

Testimony on Jaelyn's Law 2-15-23.pdf

Uploaded by: Andrea LeWinter

Position: FAV

For Hearing February 15, 2023

Dear Chair Clippinger, Vice Chair Moon, and members of the Judiciary Committee:

I am a Maryland resident and voter and am continually distressed by increasing gun violence in our country, particularly the fact that that firearms are now the leading cause of death for children under the age of 18 in our state.

Please strongly support HB 307, Safe Storage/Jaelynn's Law, and gives its shepherding through the committee and hearing process your highest priority.

Considering the incredible uptick in firearms purchases during Covid and then the federal Supreme Court's *Bruen* decision that made obtaining a gun permit in Maryland dramatically easier, leading to a exponential increase in permit applications and grants, it is critical that the safe storage of guns be mandated in Maryland, to protect children and everyone.

Thanks to Delegate Bartlett for sponsoring this bill. I urge the committee to favorably report on HB 307.

Thank you,

Andrea LeWinter

Testimony - Support - HB 307 - Jaelynn's Law -Elij

Uploaded by: Ashley Egan

Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of HB 307 - Firearms Safe Storage-Jaelynn's Law

TO: Delegate Luke Clippinger, Chair and Members of the Judiciary Committee
FROM: Elijah Hicks, Unitarian Universalist Legislative Ministry of Maryland
DATE: February 15, 2023

My name is Elijah Hicks, I'm a student at Annapolis High School in Maryland. I'm writing to ask that you please help pass Jaelynn's Law which aims at keeping guns out of the hands of children.

Unfortunately, guns are being used to kill more than they are to protect. It's inhumane to freely allow individuals to easily obtain weapons that can murder an entire room of people in seconds. Hundreds of families destroyed, people who will never see their children, mothers, fathers, brothers or sisters, ever again. We need to make massive changes to our laws and we need this now.

Recently, there was a 6 year old boy in Virginia who shot his teacher with a 9mm Taurus handgun while his teacher Abigail Zwerner was teaching the class. Fortunately, the teacher survived with serious bullet wounds, but the event shows that we need stronger gun laws and we need them now.

Gun laws work.

The measure before you today is another tool to protect all of us from gun violence. We ask you to stand on the side of love and justice. We urge you to vote for this bill and others that strengthen Maryland's gun violence prevention laws.

I'll be awaiting your response and thank you for your time.

Elijah Hicks

Testimony - Support - HB 307 - Jaelynn'sLaw-Treuth

Uploaded by: Ashley Egan

Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of HB 307 - Firearms Safe Storage-Jaelynn's Law

TO: Delegate Luke Clippinger, Chair and Members of the Judiciary Committee
FROM: Treuth Hicks, Unitarian Universalist Legislative Ministry of Maryland
DATE: February 15, 2023

My name is Treuth Hicks and I am a student in Annapolis, MD. As a 14 year old, I see many people, like the kids in my school, who are irresponsible with things they have that can be dangerous. In my class, other kids were playing with things like glass bottles, or a BB gun. So knowing that, you can understand why young people who have access to those things are a danger, imagine if they had access to guns.

If Jaelynn's law is not passed, then we could see another soul lost to gun violence because someone either doesn't know how to handle a weapon, isn't in the right state of mind, or knows what they are doing and doesn't care.

You should also note that it is scary to see a weapon in a public space. So I also propose that people who are not required by their job to have guns, should not have a gun in public or with them in public as well.

Please take this into consideration in passing Jaelynn's law.

Thank you,
Treuth Hicks

Testimony - Support - HB307 - Jaelynn'sLaw-Laticia

Uploaded by: Ashley Egan

Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of HB 307 - Firearms Safe Storage/Jaelynn's Law

TO: Delegate Luke Clippinger, Chair and Members of the Judiciary Committee

FROM: Laticia Hicks, Unitarian Universalist Legislative Ministry of Maryland

DATE: February 15, 2023

As a retired Federal Law Enforcement Officer, I understand the necessity of legitimate gun ownership for trained individuals who accept the responsibility and obligation to protect life and serve in the interest of public safety. I am also the mother of two teenage boys and I am appalled and deeply concerned, no, scared, for my children's safety.

According to the CDC, everyday more than 110 Americans are killed by guns. In Maryland, 62% of gun deaths are by firearm homicide, 83% of all gun deaths among children and teens are homicides and 16% of those are suicides. While the rate of suicide saw an overall decrease between 2019-2021 during that same time it increased for African-American and Hispanic youths. The rate of gun deaths has increased 46% from 2011 to 2020 in Maryland, compared to a 33% increase nationwide. These numbers are frightening and very frustrating, especially knowing these deaths are preventable.

I know the importance of gun safety and practicing safe storage. Unfortunately, the presence of a gun often creates a permanent solution to what is often a temporary problem. I don't want to rob my children of having a normal childhood by keeping them from being with their friends. However, I don't want someone's negligence to put my child in danger, either as a victim or perpetrator of gun violence. Responsible adults need to help young people in crisis, not enable them to shoot their friends unintentionally.

I urge you to vote for this bill and others like HB 307 - Firearms Safe Storage-Jaelynn's Law that strengthen Maryland's gun violence prevention laws and help to strengthen our sense of safety.

Sincerely,

Laticia Hicks

Testimony-Support-HB 307-Jaelynn's Law- Ken Shilli

Uploaded by: Ashley Egan

Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of HB 307 - Firearms Safe Storage/Jaelynn's Law

TO: Chair Clippinger, Vice Chair Moon, and members of the Judiciary Committee
FROM: Ken Shilling, UULM-MD Gun Violence Prevention, Lead Advocate
Unitarian Universalist Legislative Ministry of Maryland.
DATE: February 15, 2023

Unitarians Universalists recognize that there are legitimate reasons for gun ownership. There must be a balance of rights and responsibilities. Owning a gun comes with responsibilities to prevent gun violence.

Firearms are the leading cause of death in Maryland children under 18. I am also deeply concerned about the alarming number of gun suicides in minors who should not have access to guns. Clearly, we are failing to meet our responsibility to our youth.

Strong child access prevention laws have been shown to reduce youth-involved shootings. The measure before you today is another tool to protect all of us from gun violence. We must take action.

We urge you to vote for House Bill 307. We ask you to stand on the side of love and justice. We ask this in memory of Jaelyn, and so many other children who have lost their lives in Maryland due to gun violence.

We urge a favorable report,
Ken Shilling
Ken Shilling
Gun Violence Prevention Lead Advocate

HB307_MSEA_Bost_FAV.pdf

Uploaded by: Cheryl Bost

Position: FAV

**Testimony in Support of House Bill 307
Firearm Safety – Storage Requirements and Youth Suicide Prevention
(Jaelynn’s Law)**

**Judiciary Committee
February 15, 2023**

**Cheryl Bost
President**

The Maryland State Education Association supports House Bill 307, Jaelynn’s Law. This much needed legislation imposes common sense measures to ensure guns are safely and securely stored to prevent negligent or intentional life threatening harm. The bill also requires the Deputy Secretary for Public Health Services to develop a youth suicide prevention and firearm safe storage guide. The guide will describe the firearm and ammunition safe storage requirements, identify risks associated with unsafe firearm storage for minors, and highlight best practices to safely store firearms and ammunition. The guide will be made publicly available and distributed to a variety of actors, including the Maryland State Department of Education and local school systems. The bill also appropriates funding to enable grants to local school systems, health departments, and non-profit agencies to support the education of families on recommended safe storage practices.

MSEA represents 75,000 educators and school employees who work in Maryland’s public schools, teaching and preparing our almost 900,000 students so they can pursue their dreams. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

Gun violence continues to wreak havoc across our nation and across our state. For too long, and too often, senseless gun violence has robbed Marylanders of their loved ones. Families, schools, and communities continue to be devastated and shattered by the unimaginable high number of lives taken from gun violence, whether these acts were accidental or intentional.



Everyone should be alarmed by the statistics and research connected to this issue. Fifty-four percent of gun owners do not securely store all of their guns.¹ Approximately 350 children under the age of 18 shoot themselves or somebody else on an annual basis.² Across the U.S., nearly 4.6 million children live in a home that has at least one unlocked and loaded firearm.³ In 105 cases of school shootings where the source of the weapon was identified, eighty percent of the weapons used were taken from the child's home or those of relatives or friends.⁴ These conditions are unacceptable and contribute to the unnecessary loss of life every day across our nation and across our state.

Lawmakers in Maryland have the chance to enact common sense gun safety legislation that will save countless lives and make our communities safer. States and cities across the country are enacting responsible measures to curb the spread of gun violence and reduce the number of lives lost to senseless tragedies.⁵ We urge the committee not to pass on the opportunity to save additional lives and immediately pass this critical legislation.

We urge the committee to issue a Favorable Report on House Bill 307.

¹ Cassandra K. Crifasi, et al., *Storage Practices of US Gun Owners in 2016*, Am. J. Public Health (Apr. 2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5844398/pdf/AJPH.2017.304262.pdf>.

² Everytown for Gun Safety. “#NotAnAccident Index”. *Everytown for Gun Safety*. (2019). everytownresearch.org/notanaccident.

³ Matthew Miller and Deborah Azrael, *Firearm Storage in US Households with Children: Findings from the 2021 National Firearm Survey*, JAMA Network Open 5, no. 2 (2022), <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2789269>.

⁴ John Woodrow and Steven Rich, ‘*The gun’s not in the closet*,’ The Washington Post (Aug. 1, 2018), https://www.washingtonpost.com/news/local/wp/2018/08/01/feature/school-shootings-should-parents-be-charged-for-failing-to-lock-up-guns-used-by-their-kids/?utm_term=.ec4e148350a5.

⁵ See Everytown for Gun Safety, *Secure Gun Storage*, (compiling recent legislative efforts by states and cities to enact secure storage gun safety measures), <https://www.everytown.org/solutions/responsible-gun-storage/#by-the-numbers> (last visited 2/11/2023).

HB 307_Firearm Safety_Youth Suicide Px - BHSB_FAVO

Uploaded by: Dan Rabbitt

Position: FAV



February 15, 2023

**House Judiciary Committee
TESTIMONY IN SUPPORT**

HB307 – Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)

Behavioral Health System Baltimore (BHSB) is a nonprofit organization that serves as the local behavioral health authority (LBHA) for Baltimore City. BHSB works to increase access to a full range of quality behavioral health (mental health and substance use) services and advocates for innovative approaches to prevention, early intervention, treatment and recovery for individuals, families, and communities. Baltimore City represents nearly 35 percent of the public behavioral health system in Maryland, serving over 78,000 people with mental illness and substance use disorders (collectively referred to as “behavioral health”) annually.

Behavioral Health System Baltimore strongly supports HB 307 – Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn’s Law). This bill would update Maryland’s current child access prevention (CAP) laws for the first time in 20 years to reflect advancements in technology for safely storing guns and the need for public health education. These commonsense measures will help prevent youth suicide and other unintentional firearm-related injuries.

Death by suicide is on the rise and presents a critical public health challenge. Suicide deaths have increased by 30% in recent decades and is the second leading cause of death for young people aged 15-24. Many middle school and high school aged children seriously consider suicide and go on to make a suicide attempt. In the most recent Youth Risk Behavior Surveillance Survey, 23% of middle school students and 18% of high school students seriously considered suicide and 9% of middle school students reported a suicide attempt. Suicide impacts all age groups and racial/ethnic identities, but suicide risk for Black youth is particularly alarming. Black youth suicide is increasing at the fastest rate of any group and Black youth under 13 are now twice as likely to die by suicide than other racial/ethnic groups.¹

Access to firearms is a significant contributor to youth suicide risk. Adolescents and children in households with unlocked or loaded firearms are twice as likely to die of suicide.² About 2/3 of firearms are stored unlocked and 82% of youth who attempt suicide with a firearm obtained it from a parent or other family member in their household.³ This connection is even more concerning considering demand for firearms in Maryland has skyrocketed. According to the FBI National Instant Criminal Background Check System (NICS), firearm background checks in Maryland have almost doubled since early March 2020 when compared to the previous five years.⁴

As the LBHA for Baltimore City, we believe our state must use every tool in our toolbox to reduce and reverse the increase in youth suicide risk. Commonsense improvements to our CAP laws will reduce youth access to unlocked and loaded firearms and help in the effort to reduce suicide. Addressing loopholes in our current CAP laws and implementing a public awareness campaign to drive behavior can save the lives of vulnerable young people. **We urge a favorable report on HB 307.**

For more information, please contact BHSB Policy Director Dan Rabbitt at 443-401-6142

Endnotes:

¹ Governor's Commission on Suicide Prevention. *Maryland's State Suicide Prevention Plan 2020*. Available at: <https://health.maryland.gov/bha/suicideprevention/Documents/2020%20Maryland%20State%20Suicide%20Prevention%20Plan.pdf>.

² Society for Research in Child Development. *Access to Firearms Increases Child and Adolescent Suicide*. Available at: <https://www.srcd.org/research/access-firearms-increases-child-and-adolescent-suicide>.

³ Harvard School of Public Health. *Means Matter Campaign*. Available at: <https://www.hsph.harvard.edu/means-matter/means-matter>.

⁴ Governor's Commission on Suicide Prevention. *Maryland's State Suicide Prevention Plan 2020*. Available at: <https://health.maryland.gov/bha/suicideprevention/Documents/2020%20Maryland%20State%20Suicide%20Prevention%20Plan.pdf>.

2023-02-15 HB 307 (Support).pdf

Uploaded by: Hannibal Kemerer

Position: FAV

ANTHONY G. BROWN
Attorney General



CANDACE McLAREN LANHAM
Chief of Staff

CAROLYN A. QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
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February 15, 2023

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: HB0307 – Firearm Safety – Storage Requirements and Youth Suicide
Prevention (Jaelynn's Law) SUPPORT

The Office of Attorney General supports House Bill 307, Del. Bartlett's bill prohibiting the storage of firearms and ammunition in a manner that allows access by juveniles. This carefully crafted legislation permits lawful firearm owners to continue possessing and maintaining their firearms but only in a secure fashion.

Access to an unsecured firearm elevates suicide and homicide risks for all members of a household. With increased gun ownership in Maryland during the COVID-19 pandemic and in the wake of the Supreme Court's decision in *New York State Rifle and Pistol Association, Inc. v. Bruen*, 597 U.S. ___, 142 S.Ct. 2111 (2022), additional safety requirements are necessary to prevent future deaths among Maryland's youth.

For the foregoing reasons, the Office of Attorney General urges the Judiciary Committee to favorably report HB 307.

cc: Committee Members

This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us

SB0479 LSPC.docx.pdf

Uploaded by: Jared Schablein

Position: FAV

SB0479 Public Safety - Access to Firearms - Storage Requirements (Jaelynn's Law)

Bill Sponsor: Senator Smith

Committee: Judicial Proceedings

Organization Submitting: Lower Shore Progressive Caucus

Person Submitting: Dr. Nicole Hollywood, LSPC

Position: FAVORABLE

I am submitting this testimony in favor of SB0479 on behalf of the Lower Shore Progressive Caucus. The Caucus is a political and activist organization on the Eastern Shore, unaffiliated with any political party, committed to empowering working people by building a Progressive movement on the Lower Eastern Shore.

Sixteen-year-old Jaelynn Willey was shot and killed inside Great Mills High School in St. Mary's County on March 20, 2018. She was a swimmer, one of nine children, and known for making the best chocolate chip cookies. Jaelynn was shot by a fellow student in possession of his father's 9mm handgun. This bill is named in her honor.

The most recent data released by the Centers for Disease Control and Prevention National Center for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (WISQARS, 2018) sites firearms as the leading cause of death for children and teenagers aged 1 to 19 in the United States. That statistic also holds true in the State of Maryland where guns kill more kids each year than cancer or automobile accidents.

Guns from home, or a friend or family member's home, are used in the majority of children firearm suicides as well as in the preponderance of incidents of gun violence on school grounds. Secure storage works, as proven by studies such as one published in the Journal of the American Medical Association that found that households that locked both firearms and ammunition had a 78 percent lower risk of self-inflicted firearm injuries among children and teenagers (Grossman DC, Mueller BA, Riedy C, et al, 2005).

The Lower Shore Progressive Caucus recognizes the importance of secure firearm storage. SB0479 would prohibit a person from leaving a firearm in a location where an unsupervised minor could gain access to the firearm as well as establish certain exceptions to this prohibition.

The Lower Shore Progressive Caucus supports this bill and recommends a **FAVORABLE** report in committee.

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Committee: Judicial Proceedings

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Person Submitting: Dr. Nicole Hollywood, LSPC

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SB0479 LSPC.docx.pdf

Uploaded by: Jared Schablein

Position: FAV

SB0479 Public Safety - Access to Firearms - Storage Requirements (Jaelynn's Law)

Bill Sponsor: Senator Smith

Committee: Judicial Proceedings

Organization Submitting: Lower Shore Progressive Caucus

Person Submitting: Dr. Nicole Hollywood, LSPC

Position: FAVORABLE

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The Lower Shore Progressive Caucus recognizes the importance of secure firearm storage. SB0479 would prohibit a person from leaving a firearm in a location where an unsupervised minor could gain access to the firearm as well as establish certain exceptions to this prohibition.

The Lower Shore Progressive Caucus supports this bill and recommends a **FAVORABLE** report in committee.

Jaelynn's Law.pdf

Uploaded by: Jennifer LaMade

Position: FAV



*The Jesse Klump Memorial
Fund, Inc.*

P.O. Box 1786
Berlin MD 21811
667-227-9247

weremember@jessespaddle.org
www.jessespaddle.org

February 13, 2023

House Judiciary Committee
TESTIMONY IN SUPPORT
HB 307 – Jaelynn’s Law

The *Jesse Klump Memorial Fund*, a 501 (c)(3) nonprofit corporation, exists to end the tragedy of suicide, to provide a place of healing for those who have lost loved ones to suicide, and to provide grants for training for healthcare and education professionals dedicated to suicide prevention and mental health.

The Jesse Klump Memorial Fund is pleased to support HB 307-Jaelynn’s Law– Storage requirements and Youth Suicide Prevention. Jaelynn’s Law would require guns be safely stored, locked and unloaded, and not accessible to unsupervised children under the age of 18.

Unfortunately, firearms are the leading cause of death for children in the United States. During the pandemic, firearm-related deaths increased among children with seven children per day dying by firearm in 2021, (Kaiser Family Foundation, 2021.) Jaelynn’s Law is critical to support Maryland’s youth and their families. The Jesse Klump Memorial Fund, Staff and Board Members know the tragic loss associated with firearm deaths in children, when Jesse Klump lost his life to suicide more than a decade ago. Without access to lethal means, Jesse’s life may have been saved.

At a time when three in five high school students report struggling with mental health issues, and one in five high school students are considering suicide, (MD-YPBS-21), Jaelynn’s Law is a critical tool to save lives. Maryland has a solid foundation to prevent firearm deaths but continued investment in common sense laws are needed to keep our children safe from unintentional injuries, suicide, and gun assaults. The Jesse Klump Memorial Fund **urges the Judiciary Committee to support Jaelynn’s Law.**

Sincerely,

Kim Klump
President,
Jesse Klump Memorial Fund

WDC 2023 Testimony HB0307 _Final.pdf

Uploaded by: JoAnne Koravos

Position: FAV



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

House Bill 307
Firearm Safety-Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)
Judiciary Committee - February 15, 2023
SUPPORT

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2023 legislative session. WDC is one of Maryland's largest and most active Democratic clubs with hundreds of politically active members, including many elected officials.

WDC urges the passage of HB0307. According to a November 2021 report by the [Children's Safety Network](#):

- Firearm suicides are the fourth leading cause of injury/death for children ages 10-19.
- Approximately nine children and adolescents ages 10-19 die by firearm each day in the United States; three of those deaths are suicide-related firearm injury.
- Firearm injury/suicide death rates increased by 6.3% per year on average between 2010 and 2019.

According to a 2019 study published in [JAMA Pediatrics](#), "it is estimated that 6% to 32% of youth firearm deaths (by suicide and unintentional firearm injury) could be prevented, depending on the probability that an intervention motivates adults who currently do not lock all household firearms to instead lock all guns in their home."

This is the sixth time a bill to restrict minors' access to firearms has been introduced in the Maryland General Assembly, dating back to 2013 following the Sandy Hook tragedy in December 2012. That was ten years ago. We can only speculate how many children's lives would have been saved if the General Assembly had passed restrictions in 2013. Perhaps Jaelynn Willey would still be with us. It's clear that children's lives can be saved if we prevent access to firearms. We urge the Maryland General Assembly to enact these more robust gun storage requirements, to prevent those exercising their rights to have firearms in their homes from careless storage leading to the injury and death of children. As the *New York Times*' Thomas Friedman wrote in his February 8, 2022 column, "the pervasive claim that 'I have my rights' but 'I don't have responsibilities' is unraveling our country today." The right to keep and bear firearms is not an unrestricted right and must be paired with requirements for responsible gun ownership that can save lives, including preventable deaths of young people by suicide.

We know that Maryland's existing gun laws are not sufficiently stringent to prevent access to weapons by children. That is why we strongly support the enactment of legislation to strengthen Maryland's gun storage requirements and hold gun-owning adults accountable for the consequences of unsafe storage practices and negligent behavior. To quote New Mexico State Senator Daniel Ivey-Soto, "A law without penalties is simply a suggestion."

We ask our Maryland legislators to prioritize protecting children from injury and death, over unfettered right to gun ownership. **We ask for your support for HB0307 and strongly urge a favorable Committee report.**

Diana E. Conway
WDC President

Lynn Olson
WDC Advocacy Committee

HB307 Child Access Prevention - Firearm Storage an

Uploaded by: Joyce Lombardi

Position: FAV



HB307 – Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn’s Law)

House Judiciary Committee

February 15, 2022

Testimony of Martha Nathanson, Vice President, Government Relations and Community Development;
Adam Rosenberg, Vice President, Violence Intervention and Prevention

Position: **SUPPORT**

We are pleased to **SUPPORT** HB307, which requires gun owners to safely store their guns to prevent access by unsupervised minors, increases penalties for failing to do so; and provides for a safe storage education campaign for parent, children, and adults.

Center for Hope, a subsidiary of LifeBridge Health, provides trauma-informed crisis intervention and prevention services to over 6,000 patients and community members each year who have experienced domestic violence, child abuse, elder abuse, and community/gun violence. We operate hospital response and violence interruption teams for patients who have been injured by gun violence, as well as support programs for children who have witnessed or been affected by gun violence.

A 2021 survey indicated that in nearly half of households with firearms and children, guns are stored unlocked, and the guns were stored *loaded* and unlocked in an estimated 15% of these homes.¹ About 80% of the guns used in suicides, school shootings, and unintentional shooting deaths among children come from homes of friends or relatives.² Of the 7 child suicides in Baltimore City between 2016 and 2021, two children accessed inappropriately accessible guns from home.³

We strongly support the elements of HB307 that require a public health campaign in the form of a Youth Suicide Prevention and Safe Firearm Storage Guide. Enabling individuals and communities to prevent violent injury and death is critical not only to improving the survival and ultimately health outcomes of residents but also to breaking the cycle of violence. New penalties have little deterrence value if gun owners aren’t aware of them.

For all the above reasons, we urge a **FAVORABLE** report on HB307.

Adam Rosenberg, Esq., Executive Director, Center for Hope arosenberg@lifebridgehealth.org (410) 601-HOPE

Joyce Lombardi, Esq., Government and Community Relations, Joyce@JRLaw.group, 410-429-7050

¹ The Effects of Child Access Prevention Laws, RAND Corporation (January 2023)

² Id.

³ <https://health.baltimorecity.gov/sites/default/files/2021%20Baltimore%20City%20CFR%205-Year%20Report.pdf> (page 50).

2023 HB307 (CAP) Testimony.pdf

Uploaded by: Karen Herren

Position: FAV



Testimony in **Support** of

Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)

SB858/HB307

Executive Director Karen Herren
Marylanders to Prevent Gun Violence

February 15, 2023

Dear Chair Clippinger, Vice-Chair Moon, and Distinguished Members of the Committee,

Marylanders to Prevent Gun Violence is a statewide, grassroots organization dedicated to reducing gun deaths and injuries throughout the state of Maryland. **We urge the committee for a FAVORABLE report on House Bill 307 to require firearms be stored unloaded and locked, inaccessible to minors, and to establish an education campaign to provide accurate information on child firearm access prevention.**

JAELYNN'S LAW

On March 20, 2018, a 17-year-old student gained access to his father's gun, entered Great Mills High School in Maryland and shot and killed 16-year-old Jaelynn Willey and injured a 14-year-old boy. A strong Child Access Prevention law can help reduce unintentional shootings and youth suicides as well as incidents where a youth in crisis impulsively acts to harm others. At least 80% of school shooters obtain the firearm used from their home or those of relatives or friends.¹ In honor of Jaelynn Willey and aiming to save others, the Maryland's Child Access Prevention bill has been designated "Jaelynn's Law."

CHILD ACCESS PREVENTION or CAP laws are laws that permit authorities to criminally charge adults who, knowingly or through negligent behaviors, permit children to have access to firearms. There are no CAP laws at the federal level and no federal laws mandating safe storage. Current federal law does require gun transfers to include "a secure gun storage or safety device" and provides some legal immunities to the lawful owner who uses these devices. There is proposed CAP legislation (Ethan's Law) at the federal level.

¹<https://www.washingtonpost.com/news/local/wp/2018/08/01/feature/school-shootings-should-parents-be-charged-for-failing-to-lock-up-guns-used-by-their-kids/>

Maryland has a current CAP law that provides little guidance, does not address older children, and has minor consequences for violations. Maryland does not have a generally applicable safe gun storage mandate for gun owners. Strong CAP laws can significantly reduce:

- Unintentional incidents involving children,
- Youth suicide,
- Intentional incidents by youth in crisis (including school shootings), and
- Gun thefts which lead to legal firearms being diverted into the criminal market.

The presence of unlocked guns in the home increases the risk of both unintentional and intentional gun injuries. In the U.S. approximately 4.6 million kids live in homes with a loaded, unlocked gun.² Between 2009 and 2018, gun suicides of minors increased by 82%.³ With respect to youth suicides, approximately 80% of the time the owner of the firearm was either a parent or another relative.⁴ Firearms are the second-leading cause of death for children under 18 both in the U.S. and in Maryland.⁵ Between 2015 and 2018 more than 35,000 American children were shot before their 18th birthdays. **91% of children killed with guns in high-income countries are killed in the U.S.**

National youth firearm numbers;

- In 2019, 3,817 children were killed or injured by firearms in the U.S.
- In 2020, that number jumped to 5,141.
- In 2021, it jumped again to 5,708.
- In 2022, it was 6,137.

Maryland youth firearm numbers:

- In 2019, at least 143 children were killed or injured with firearms in Maryland.
- In 2020, at least 149 children were killed or injured with firearms in Maryland.
- In 2021, the number rose to 194.
- In 2022, the number was more than 251.⁶

² Deborah Azrael, Joanna Cohen, Carmel Salhi, and Matthew Miller, "Firearm Storage in Gun-Ownning Households with Children: Results of a 2015 National Survey," *Journal of Urban Health* 95, no. 3 (2018): 295–304.

³ Centers for Disease Control and Prevention, Web-based Injury Statistics Query and Reporting System (WISQARS), "Fatal Injury Reports," last accessed June 26, 2020, <https://www.cdc.gov/injury/wisqars>. Calculations include children ages 10–17.

⁴ Renee M. Johnson, PhD, MPH, Catherine Barber, MPA, Deborah Azrael, PhD, David E. Clark, MD, and David Hemenway, PhD, "Who are the owners of firearms used in adolescent suicides?" *Suicide and Life-Threatening Behavior* (December 2010)

⁵ Centers for Disease Control and Prevention, Web-based Injury Statistics Query and Reporting System (WISQARS), "Fatal Injury Reports," last accessed June 29, 2021, <https://www.cdc.gov/injury/wisqars>. Calculations include children ages 0–17 and were based on the most recently available data: 2015 to 2019.

⁶ 2022 numbers through 11/23/22; all numbers sourced from www.gunviolencearchive.org.

Gun violence has become so normalized in this country that some look at these numbers and dismiss the problem as inconsequential. None of this is normal. And critically, unintentional youth access to guns is preventable. Modest improvements in firearm storage practice have been shown to notably reduce youth firearm deaths.⁷ Laws preventing children’s access to guns are associated with significant reductions of suicides by guns.⁸

YOUTH ACCESS TO FIREARMS IS A PUBLIC HEALTH CRISIS

Premature death among youth, especially from preventable causes, is an enormous loss of potential life. In 2020, firearms surpassed motor vehicle accidents as the leading cause of death in children. The 29.5% increase was seen across most demographic characteristics and types of firearm related death (suicide, homicide, unintentional, and undetermined.)⁹

Public and behavioral health experts tell us that when we reduce the lethality of suicide attempts, we provide the person in crisis with the opportunity to get the help that they need to get well. Fewer than 10% of people who attempt suicide and survive go on to die by suicide. Restricting youth access to firearms is one way that we can help youth in crisis from hurting themselves or others. According to the [Harvard T.H. Chan School of Public Health](#) in their extensive “Means Matter” analysis, “every study that has examined this issue to date has found that within the U.S., access to firearms is associated with increased suicide risk.” In fact, in one study adolescent suicides were 72% more likely to have a gun in the home. About 85% of attempts with a firearm are fatal. Firearms are quick and irreversible. There is no turning back once the trigger is pulled.

“Too often youths use their parents’ guns. An [NVISS study](#)¹⁰ of firearm suicides among youths ages 17 and under occurring over a two-year period in four states and two counties found that 82% used a firearm belonging to a family member, usually a parent. When storage status was noted, about two-thirds of the firearms had been stored [unlocked](#).”

THE STATE OF AFFAIRS IN MARYLAND

Current Maryland law requires gun owners to store firearms away from where a child under the age of 16 would gain access. There is no requirement to lock firearms or to store

⁷ Monuteaux MC, Azrael D, Miller M. “Association of Increased Safe Household Firearm Storage With Firearm Suicide and Unintentional Death Among US Youths.” JAMA Pediatr. Published online May 13, 2019. doi:10.1001/jamapediatrics.2019.1078

⁸ Daniel W. Webster, ScD, MPH; Jon S. Vernick, JD, MPH; April M. Zeoli, MPH; Jennifer A. Manganello, PhD, MPH; et al, “Association Between Youth-Focused Firearm Laws and Youth Suicides.” JAMA. 2004;292(5):594-601

⁹ <https://www.nejm.org/doi/full/10.1056/nejmc2201761>

¹⁰ NVISS or National Violent Injury Statistics System maintained by the Harvard School of Public Health

them unloaded. The American Academy of Pediatrics recommends that gun owners store all household firearms locked and unloaded. Maryland's current law is not in line with this recommendation and does not apply if the child is 16 or 17 years old. The [National Shootings Sports Foundation](#) recommends that *unloaded* firearms be secured with a locking device and/or in a locked cabinet, safe, firearm vault or storage case. They further recommend that ammunition be stored in a locked location separate from firearms and out of the reach of children. Jaelynn's Law is needed to provide clearer gun storage guidelines for Marylanders to follow and to reduce the number of these completely preventable tragedies.

Compounding the risk created by unsecured firearms is the escalating number of gun owners in the state of Maryland. Gun sales in Maryland more than doubled in 2020.¹¹ The number of approved licenses to buy or own a regulated firearm jumped from 47,093 in 2019 to 95,502 in 2020. An estimated 40% of these buyers were first time gun owners.¹² The combination of these numbers and the percentage of gun purchasers who are not utilizing adequate storage methods is a deadly combination for our children.

Safer storage of firearms will reduce youth and young adult suicides by making it harder for those acting impulsively to gain access. Firearms are an extremely effective method of attempting and completing suicide. Behavioral characteristics associated with adolescence, such as impulsivity, feelings of invincibility, and curiosity about firearms make this a particularly important age to protect.

NOTABLE CAP CASES IN MARYLAND

As illustrated in shocking detail by the shooting at Oxford High School in Michigan in November 2021, parents and gun owners need to take more responsibility in assuring that the firearms that they own are kept out of the hands of youth. We have reached a crisis point and we must take steps to shift the culture on this issue. But we need not look to Michigan for egregious examples of gun owners' failures to secure their firearms. Instances of children gaining access to firearms happen regularly here in Maryland and are not isolated cases.

- In September 2020, an 11-yr-old Baltimore boy was injured when he gained access to a firearm while home [alone](#).
- Also in September of 2020, a three-year-old gained access to a gun and shot himself in the [hand](#).
- On Christmas Day 2020 in Charles County, 17-year-old Edwin [Juarez](#) was shot and killed when his 13-year-old friend inadvertently fired the weapon the teenagers were handling.
- In March of 2018 at Great Mills High School in St. Mary's County, a 17-year-old, used his father's firearm to kill 17-year-old Jaelynn Willey and injure 14-year-old Desmond Barnes before taking his own life.

¹¹ Over 2019 numbers.

¹² <https://thedailyrecord.com/2021/04/22/gun-sales-booming-in-maryland-data-shows/>

- In [January](#) of 2022 a rookie NYPD officer was killed and another officer wounded with a gun stolen five years ago by a 13-year-old Baltimore boy from his security guard mother.
- In [January](#) of 2022, a 15-year-old boy shot and killed his mother and eight-year-old brother, and wounded his father with a firearm registered to his father just a few months after the boy had demonstrated significant signs of mental distress and urges to commit violence.
- In [August](#) of 2023, a 9-year-old boy shot and killed his 15-year-old neighbor after he obtained his grandmother's unsecured firearm.

None of these kids should have had access to a firearm. Safe storage would have prevented these tragedies and many more like them. We can prevent future tragedies by making sure that youth access to firearms is reduced through mandates to store them in the safest way possible.

The sensible strategies set forth in this piece of legislation provide much needed protection while respecting the right to own and possess a firearm. **MPGV urges the committee to vote FAVORABLY on HB 307 to strengthen Maryland's law governing a child's access to firearms.**

Testimony 2 15 23 Md Leg.pdf

Uploaded by: Katie Day

Position: FAV

Testimony 2/15/23 Maryland Legislature

Good afternoon. My name is Rev. Katie Day and I live in Cambridge, Md. I would like to speak on behalf of HB307, Jaelynn's Law.

My husband and I retired to the Eastern Shore from Philadelphia. As you know, Philadelphia has a very high rate of gun violence, and I was involved in faith-based efforts there to advocate for stronger gun laws. We were looking forward to being in a state with lower levels of gun violence as a result of its commonsense gun laws.

However, we have seen the numbers of shootings and gun deaths rise in our state, and most tragically, of children injured or killed by guns. Even in our small city of Cambridge, gun deaths spiked last year (from 1 or 2 a year to 6 in 2022), including a 5 year old child.

Jaelynn's law is a small but important step in protecting our kids. The Eastern Shore is hunting country and I know that overwhelmingly most hunters secure their weapons. But some gun owners here also say, "We don't need new gun laws—we should just enforce the ones we have." Unfortunately, the existing law on gun storage is vague and unenforceable. If it were strong enough, we would not be seeing the numbers of kids getting access to guns to deadly effect on the rise. There were 23% MORE children (0-17) injured or killed by guns in 2022 than in 2021. This is alarming and should be unacceptable.

Without taking every step we can to protect our kids, what are we saying? That our guns are more important to us than our children? That the violence they must endure is just the price we're willing to pay for not taking gun storage with utmost seriousness?

Our children are already burdened with more worries and trauma than we all had growing up. Passing Jaelynn's Law adds an extra layer of protection for these young lives.

HB 307 - Favoable.pdf

Uploaded by: Kenneth Phelps, Jr.

Position: FAV



THE EPISCOPAL DIOCESE OF MARYLAND

**TESTIMONY IN SUPPORT OF HB 0307:
Firearm Safety - Storage Requirements and Youth Suicide Prevention
(Jaelynn's Law)
FAVORABLE**

TO: Hon. Luke Clippinger, Chair, Hon. David Moon, Vice Chair and the members of the House Judiciary Committee

FROM: Rev. Kenneth O. Phelps, Jr., Co-Chair, Maryland Episcopal Public Policy Network, Diocese of Maryland

DATE: February 15, 2023

Non-violence is at the core of Christian faith and practice. The teachings of Jesus – as contained in the New Testament – call the faithful to a rejection of a system of retribution and righteous violence and into an alternative way of living that is based on unconditional love of neighbor and accountability for the common good.

We cannot normalize violence or contemplate its use ever as being for the right. And we do not believe that the answer to escalating gun violence is an increase in the number of guns on the street.

Over the years, our bishops have called for common sense gun safety measures that enjoy the support of gun owners and non-gun owners alike: handgun purchaser licensing; background checks on all gun purchasers; restrictions on gun ownership by domestic abusers; classification of gun trafficking as a federal crime; encouragement for the development of “smart gun” technology; federal funding for research into gun violence prevention strategies, and, legislation for gun safety that will help to prevent this most dire form of domestic violence and suicide. We know the statistics about guns stored at home.

Our Church has passed numerous resolutions calling for many of these measures. We now add to that list our support of this safety measure in the hope that it will save lives.

The Diocese of Maryland requests a favorable report.

2023 MD _ CAP Jaelynn's Law Written Testimony HB 0

Uploaded by: Liddy Ballard

Position: FAV

Brady
840 First St. NE Ste. 400
Washington, DC 20002



Testimony of Liddy Ballard, Manager, State Policy, Brady
Support for HB 0307 [FAV]
Before the Maryland House Judiciary Committee
February 15, 2023

Chair Clippinger, Vice Chair Moon and distinguished members of the Maryland House Judiciary Committee,

Founded in 1974, Brady works across Congress, courts, and communities, uniting gun owners and non-gun owners alike to end America's gun violence epidemic. Our organization today carries the name of Jim Brady, who was shot and severely injured in the assassination attempt on President Ronald Reagan. Jim and his wife, Sarah, led the fight to pass federal legislation requiring background checks for gun sales. Brady continues to uphold Jim and Sarah's legacy by uniting Americans across the country in the fight to prevent gun violence.

There are evidence-based policy solutions that we know will help to prevent gun violence in Maryland. The bill before you today, HB 0307, will encourage responsible and safe firearm storage practices and save lives by updating Maryland's existing child access prevention law to be more inclusive and ensure that fewer minors can, and do, access firearms. **For these reasons, Brady strongly urges a favorable report on HB 0307.**

Nationwide, almost 4.6 million minors live in homes with unsecured guns.¹ A study published by American Academy of Pediatrics in 2018 found that within a sample of parents who owned guns, only one third stored all household firearms locked and unloaded.² Another study showed that over 70 percent of children reported knowing the storage location of the household firearm, and that 1 in 5 parents who reported that their child had never handled the household firearm were contradicted by their child's report. As a result, 70-90 percent of firearms used in unintentional shooting, school shootings and suicides by

¹ Deborah Azrael, et al, "Firearm Storage in Gun-Ownning Households with Children: Results of a 2015 National Survey," *Journal of Urban Health* 95 (2018), available at www.doi.org/10.1007/s11524-018-0261-7.

² John Scott, Deborah Azrael, and Matthew Miller, "Firearm Storage in Homes With Children With Self-Harm Risk Factors , " American Academy of Pediatrics (February 2018), <http://pediatrics.aappublications.org/content/early/2018/02/19/peds.2017-2600.info>.

minors are acquired from home, or from the homes of friends or relatives.³

Unintentional shootings involving minors are preventable. Among children, 89 percent of unintentional shooting deaths occur in the home.⁴ Studies show that keeping a gun locked and unloaded is associated with a protective effect against unintentional firearm injuries in homes with children and teenagers.⁵ This finding is bolstered by recent research from 2018 showing that Child Access Prevention laws (“CAP laws”) that require safe storage of firearms are associated with a significant reduction in unintentional pediatric firearm injuries.⁶

Tragically, many school shootings are also facilitated by kids or teens having access to unsecured guns at home. A 2019 U.S. Department of Homeland Security analysis of targeted school violence shows that 76 percent of attackers who used firearms obtained the firearm from their parent’s home or the home of another close relative.⁷ In half of those cases, the evidence indicated that the firearm was either readily accessible or not secured in a meaningful way.⁸

Finally, the rate of firearm suicides among children under the age of 18 has steadily increased over the past decade. Over that time, the number of firearm suicides among minors in the United States has doubled from 361 deaths in 2008 to 725 deaths in 2018.⁹ Moreover, a 2019 study found that in as many as 75 percent of youth firearm suicides for which the gun storage method could be identified, the gun was stored loaded and unlocked.¹⁰ The evidence is clear: Having a firearm easily accessible in the home when a family member is at risk of suicide increases the risk of a deadly outcome should that person attempt suicide. Firearms are the most lethal method used in suicide deaths, with a fatality rate of approximately 90 percent.¹¹ Frequently, the decision to harm oneself is oftentimes made abruptly: A quarter of individuals who attempt suicide make the attempt within 5 minutes of deciding to end their lives.¹² This means that putting barriers in place to prevent easy access to lethal means can delay a suicide attempt in the event of a crisis, giving someone who is struggling more time to seek help. In fact, research supports

³ Renee M. Johnson, et al., “Who Are the Owners of Firearms Used in Adolescent Suicides?,” *Suicide and Life-threatening Behavior* 40, no. 6 (2010): 609-611; Guohua Li, et al., “Factors Associated with the Intent of Firearm-related Injuries in Pediatric Trauma Patients,” *Archives of Pediatrics & Adolescent Medicine* 150, no. 11 (1996): 1160-1165; John Woodrow Cox and Steven Rich, “The Gun is Not in the Closet,” *The Washington Post*, Aug. 1, 2018, available at <https://www.washingtonpost.com/news/local/wp/2018/08/01/feature/school-shootings-should-parents-be-charged-for-failing-to-lock-up-guns-used-by-their-kids/>.

⁴ Li, Guohua. “Factors Associated With the Intent of Firearm-Related Injuries in Pediatric Trauma Patients.” *Archives of Pediatrics & Adolescent Medicine* 150, no. 11 (January 1996): 1160. <https://doi.org/10.1001/archpedi.1996.02170360050008>.

⁵ David Grossman et al. “Gun Storage Practices and Risk of Youth Suicide and Unintentional Firearm Injuries,” *JAMA*. 2005 Feb 9;293(6):707-14.

⁶ Emma Hamilton, et al. “Variability of Child Access Prevention Laws and Pediatric Firearm Injuries.” *Journal of Trauma and Acute Care Surgery* 84, no. 4 (April 2018): 613–19.

⁷ “Protecting America’s Schools A U.S. Secret Service Analysis of Targeted School Violence.” United States Secret Service. U.S. Department of Homeland Security United States Secret Service, National Threat Assessment Center, November 2019. <https://www.secretservice.gov/data/protection/ntac/usss-analysis-of-targeted-school-violence.pdf>

⁸ *Id.*

⁹ National Center for Injury Prevention and Control, US Centers for Disease Control and Prevention. Web-Based Injury Statistics Query & Reporting System (WISQARS) Fatal Injury Reports, National, Regional and States, 1999 to 2018.

¹⁰ The Effects of Child-Access Prevention Laws. (2020, April 22). Retrieved February 02, 2021, from <https://www.rand.org/research/gun-policy/analysis/child-access-prevention.html>

¹¹ Matthew Miller, “The Epidemiology of Case Fatality Rates for Suicide in the Northeast*1.” *Annals of Emergency Medicine* 43, no. 6 (2004): 723–30.

¹² Simon, Olga Von, Alan C. Swann, Kenneth E. Powell, Lloyd B. Potter, M-j Kresnow and Patrick O’Carroll. “Characteristics of impulsive suicide attempts and attempters.” *Suicide & life-threatening behavior* 32 1 Suppl (2001): 49-59.

that storing firearms locked and unloaded can be an effective measure to reduce the risk of suicide.¹³ Importantly, unsafe firearm storage was found to be least likely among families living in states with both CAP laws and stronger firearm legislation.¹⁴

There is a large body of academic research showing that strong CAP laws are associated with significant reductions in rates of suicide and unintentional firearms deaths and injuries among children and teens.¹⁵ In 2004, the Journal of the American Medical Association published research finding that child access prevention law enactment is associated with a 26 percent annual reduction in self-inflicted firearm injuries among youth and an 8% decrease in *overall* suicide rates among 14-17 year old's, strongly suggesting that when firearms are inaccessible as a result of these laws minors are not substituting firearms with other methods.¹⁶ Research published in 2020 investigating firearm-related deaths among children aged 0-14 has similar findings: Over a 26-year time period, U.S. states with CAP laws regulating the storage of firearms in households with minors had a 13 percent reduction in firearm fatalities in the specified age group when compared to states with no such regulations.¹⁷

As it pertains to the specific bill language being proposed in Maryland, a variety of states, from Colorado to Massachusetts, Nevada to New York, have adopted similar laws that impose criminal liability where a minor “may” or “is likely to” gain access to a firearm.¹⁸ This standard ensures that it is not necessary for the minor to have actually *used* the firearm or caused injury, thus helping to prevent tragedies before they happen. It is also appropriate that this proposed bill expands the obligation to prevent all *minors* (under the age of 18) from accessing firearms, as the risks associated with access to unsupervised firearms do not simply dissipate when one turns 16. In fact, firearms are used in 44 percent of suicide deaths by 16- and 17-year-olds.¹⁹

Further, this proposed law does not infringe upon an individual’s Second Amendment right to keep and bear arms in the home — rather, firearms ownership comes with a responsibility to ensure that lethal weapons are not readily accessible to minors who either cannot yet responsibly handle firearms themselves or who are at risk of harming themselves or others. Securing firearms in the home is compatible with a firearm owner's ability to protect the home. There is a wide range of firearm storage options available on the market that are affordable and enable the owner of the gun to access it quickly if necessary. Research clearly shows that robust child access prevention and safe storage laws help protect children and reduce the risk of firearm suicide, and unintentional shootings by kids and teens in homes

¹³ Shenassa ED, Rogers ML, Spalding KL, Roberts MB. “Safer Storage of Firearms At Home and Risk of Suicide: A Study of Protective Factors in a Nationally Representative Sample,” *Journal of Epidemiology and Community Health*. 2004; 58(10):841-848.

¹⁴ Prickett, Kate C, et al. “State Firearm Laws, Firearm Ownership, and Safety Practices Among Families of Preschool-Aged Children.” *American Journal of Public Health*, vol. 104, no. 6, June 2014, pp. 1080–1086.

¹⁵ The Effects of Child-Access Prevention Laws. (2020, April 22). Retrieved February 02, 2021, from <https://www.rand.org/research/gun-policy/analysis/child-access-prevention.html>

¹⁶ Daniel Webster, et al. “Association Between Youth-Focused Firearm Laws and Youth Suicides,” *JAMA*. 2004 Aug 4;292(5):594-601.

¹⁷ Azad, Hooman Alexander, Michael C. Monuteaux, Chris A. Rees, Michael Siegel, Rebekah Mannix, Lois K. Lee, Karen M. Sheehan, and Eric W. Fleegler. “Child Access Prevention Firearm Laws and Firearm Fatalities Among Children Aged 0 to 14 Years, 1991-2016.” *JAMA Pediatrics*, February 2020. <https://doi.org/10.1001/jamapediatrics.2019.6227>.

¹⁸ Giffords Law Center, “Child Access Prevention,”

<https://giffords.org/lawcenter/gun-laws/policy-areas/child-consumer-safety/child-access-prevention-and-safe-storage/>

¹⁹ National Center for Injury Prevention and Control, US Centers for Disease Control and Prevention. Web-Based Injury Statistics Query & Reporting System (WISQARS) Fatal Injury Reports, National, Regional and States, 1999 to 2018.

across America.

Brady strongly encourages a favorable report for HB 0307, which mandates that all firearms be stored inaccessible to children under the age of 18 and will help to prevent injuries and fatalities among children.

Sincerely,

Liddy Ballard

HB 307 Firearm Safety-Storage Requirements and You

Uploaded by: Nicole Stallings

Position: FAV



Maryland
Hospital Association

February 15, 2023

To: The Honorable Luke Clippinger, Chair, House Judiciary Committee

Re: Letter of Support- House Bill 307- Firearm Safety- Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)

Dear Chair Clippinger:

On behalf of the Maryland Hospital Association's (MHA) 60 member hospitals and health systems, we appreciate the opportunity to comment on House Bill 307. According to the nonprofit [Gun Violence Archive](#), 865 Maryland children under 17 have been killed or injured in a gun-related incident since 2014. Further, according to [The Baltimore Sun](#), one in eight victims of gun violence brought to a Baltimore-area hospital is a child.

The presence of unlocked guns in the home increases the risk of both accidental and intentional gun injuries. Between 2009 and 2018, gun suicides of minors increased by 82%.¹ In approximately 80% of these cases, the owner of the firearm was either a parent or another relative.²

Safe Storage and Child Access Prevention (CAP) laws permit authorities to charge adults who, knowingly or through negligent behaviors, fail to properly secure their firearms when the gun owner is not in immediate control of their weapon. There are no CAP laws at the federal level and no other types of federal laws mandating safe storage. Maryland's CAP law provides little guidance, negates the adult gun owner's responsibility when older children are involved, and has only minor consequences for violations. HB 307 will improve Maryland's law and save lives by specifying guns and ammunition need to be locked, expanding the scope of the law to include children as young as 15, and creating and funding a youth suicide prevention outreach program.

For these reasons, we request a *favorable* report on HB 307.

For more information, please contact:

Nicole Stallings, Executive Vice President and Chief External Affairs Officer
Nstallings@mhaonline.org

¹ Centers for Disease Control and Prevention, Web-based Injury Statistics Query and Reporting System (WISQARS), "Fatal Injury Reports," last accessed June 26, 2020, <https://www.cdc.gov/injury/wisqars>. Calculations include children ages 10–17.

² Renee M. Johnson, PhD, MPH, Catherine Barber, MPA, Deborah Azrael, PhD, David E. Clark, MD, and David Hemenway, PhD, "Who are the owners of firearms used in adolescent suicides?" *Suicide and Life-Threatening Behavior* (December 2010)

HB0307-JUD-FAV.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

Office of Government Relations
88 State Circle
Annapolis, Maryland 21401

HB 307

February 15, 2022

TO: Members of the Judiciary Committee

FROM: Nina Themelis, Interim Director of Mayor's Office of Government Relations

RE: House Bill 307 – Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)

POSITION: Support

Chair Clippinger, Vice Chair Moon, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** House Bill 307.

This bill aims to prevent youth suicides by implementing safe storage requirements, imposes penalties for violating the requirements, and amends existing law such that violations could be considered negligent. Further, BCA also supports the subsections of this bill that would require the Deputy Secretary of Public Health Services to develop a suicide prevention and firearm safe storage guide with stakeholder input, as well as the grant funds that would be made available for local health departments and other interested organizations to provide safe firearms storage education.

Reducing access to lethal means via safe storage practices among persons at risk of suicide can be lifesaving. Research indicates that the interval between deciding to act and attempt suicide can be as short as five or ten minutes.¹ When a highly lethal method is unavailable or difficult to access, people tend NOT to substitute a different method, meaning the person's life was saved. Research shows that policies restricting access to lethal means – including firearms – have been effective in reducing suicides.² Incidentally, this can be true not only for those contemplating self-harm, but also for those contemplating harm to others.

Mandated firearm safety training and safe storage guidance are important, but research shows that they alone may not be enough to change gun owners' behavior. In some studies, respondents did not store unloaded guns or ammunition separately because it might prohibit quick access for self-defense purposes. For example, a 2015 survey of gun owners found that while 60% of respondents had participated in formal firearms training, only 32% reported storing all guns unloaded and locked. 46% reported storing at least one gun unloaded and unlocked or loaded and locked. Additionally, the survey showed that receipt of safety training was *negatively* associated with safe storage.³ The penalties proposed in this bill are important, as they would provide additional incentives for gun owners to store their firearms safely.

This bill could be lifesaving, as it could prevent young people from harming themselves or others. For these reasons, the BCA respectfully requests a **favorable** report on HB 307.

¹ Simon OR, Swann AC, Powell KE, Potter LB, Kresnow MJ, O'Carroll PW. Characteristics of impulsive suicide attempts and attempters. *Suicide Life Threat Behav.* 2001;32(1 Suppl):49-59. doi:10.1521/suli.32.1.5.49.24212

² Sale E, Hendricks M, Weil V, Miller C, Perkins S, McCudden S. Counseling on Access to Lethal Means (CALM): An Evaluation of a Suicide Prevention Means Restriction Training Program for Mental Health Providers. *Community Ment Health J.* 2018;54(3):293-301. doi:10.1007/s10597-017-0190-z

³ Berrigan J, Azrael D, Hemenway D, Miller M. Firearms training and storage practices among US gun owners: a nationally representative study. *Inj Prev.* 2019;25(Suppl 1):i31-i38. doi:10.1136/injuryprev-2018-043126

MPA Testimony 2023 - Support - HB 307 – Firearm Sa

Uploaded by: Pat Savage

Position: FAV



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January 27, 2023

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Bill: HB 307 – Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn’s Law)

Position: Support

Dear Chair, Vice Chair, and Members of the Committee,

The Maryland Psychological Association (MPA), which represents over 1,000 doctoral-level psychologists from throughout the state, is writing in **SUPPORT** of **HB 307 – Firearm Safety – Storage Requirements and Youth Suicide Prevention**.

With the onset of the recent pandemic, anxiety and stress has increased for all age groups, but particularly for children. Sadly, suicide has become a leading cause of death for young people. Between 2009 and 2018, gun suicides of minors increased by 82%. With respect to youth suicides by firearms, approximately 80% of the time the owner of the firearm was either a parent or another relative.

Not only do children harm themselves, but they can harm others when firearms are not stored safely. The recent shooting of a teacher in nearby Virginia is an example.

Unintentional youth access to guns is preventable. Modest improvements in firearm storage practice can significantly reduce youth firearm deaths, and laws preventing children’s access to guns are associated with significant reductions of suicides by guns. Reasonable safety requirements for firearm storage make sense. We are also pleased to see that part of this bill includes the development and distribution of educational materials regarding firearm safety. For these reasons, the Maryland Psychological Association asks for a **FAVORABLE** report on House Bill 307.

Thank you for considering our comments on HB 307. If we can be of any further assistance as the House – Judiciary Committee considers this bill, please do not hesitate to contact MPA’s Legislative Chair, Dr. Pat Savage at mpalegislativcommittee@gmail.com.

Respectfully submitted,

Rebecca Resnik, Psy.D.

Rebecca Resnick, Psy.D.
President

R. Patrick Savage, Jr., Ph.D.

R. Patrick Savage, Jr., Ph.D.
Chair, MPA Legislative Committee

cc: Richard Bloch, Esq., Counsel for Maryland Psychological Association
Barbara Brocato & Dan Shattuck, MPA Government Affairs

2023 ACNM HB 307 House Side FAV.pdf

Uploaded by: Robyn Elliott

Position: FAV



Committee: House Judiciary Committee

Bill: House Bill 307 – Jaelynn’s Law

Hearing Date: February 15, 2023

Position: Support

The Maryland Affiliate of the American College of Nurse Midwives (ACNM) supports *House Bill 659 – Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)*. This bill will help reduce youth suicide and other firearm deaths by ensuring that firearms are stored in a way that is inaccessible to children.

Access to firearms is a significant risk factor for adolescent suicides.ⁱ Nationally, between 2015 and 2016, a firearm has been involved in 40% of the over 2,000 annual youth suicides.ⁱⁱ Extensive evidence shows that access to firearms increases the likelihood of death by suicide among youth:

- When a home contains unlocked guns the odds of a child or adolescent dying by firearm suicide is more than **twice** as high as in households where guns are locked.ⁱⁱⁱ
- The risk of suicide by gun is more than **twice** as high in households with loaded guns, as compared to households with unloaded guns.^{iv}

This legislation takes a commonsense approach by codifying best practice for safe firearm storage for adults around youth. We can save lives of our most vulnerable youth with this legislation. We ask for a favorable report on this legislation. If we can provide additional information, please contact Robyn Elliott at relliott@policypartners.net.

ⁱ <https://www.hsph.harvard.edu/means-matter/means-matter/risk/#:~:text=Twelve%20or%20more%20U.S.%20case,live%20in%20homes%20with%20guns.&text=Firearm%20access%20was%20a%20risk,for%20both%20males%20and%20females>.

ⁱⁱ <https://www.usnews.com/news/healthiest-communities/articles/2019-01-17/youth-suicide-rates-higher-in-states-with-more-gun-ownership>

ⁱⁱⁱ <https://www.srcd.org/research/access-firearms-increases-child-and-adolescent-suicide>

^{iv} <https://www.srcd.org/research/access-firearms-increases-child-and-adolescent-suicide>

2023 LCPCM HB 307 House Side FAV.pdf

Uploaded by: Robyn Elliott

Position: FAV



Committee: House Judiciary Committee

Bill Number: House Bill 307

Title: Firearm Safety - Storage Requirements and Youth Suicide Prevention
(Jaelynn's Law)

Hearing Date: February 15, 2023

Position: Support

The Licensed Clinical Professional Counselors of Maryland (LCPCM) supports *House Bill 307 – Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)*.

This bill is needed to help address youth suicide in the state. According to state data, 16.2% of high school students reported they had planned how they would attempt suicide in the past 12 months.ⁱ Firearms are the most common method of suicide, and a suicide attempt with a firearm is more likely to be fatal than attempts involving other methods.ⁱⁱ Because 48% of suicides involve less than 10 minutes of deliberation, it is imperative that children do not have unsupervised access to lethal firearms.ⁱⁱⁱ

We also think it is essential that this bill includes a requirement that MDH develop a youth suicide prevention guide for youth service providers. The vast majority of firearm owners want to be responsible with their firearms, but they may not fully understand the importance of storing their firearms in a way that is inaccessible to older children. It is vital that providers have the resources they need to discuss the importance of firearm storage with families.

We ask for a favorable report. If we can provide any further information, please contact Robyn Elliott at relliott@policypartners.net

i

<https://health.maryland.gov/bha/suicideprevention/Documents/2020%20Maryland%20State%20Suicide%20Prevention%20Plan.pdf>

ii <https://www.acpjournals.org/doi/10.7326/M13-1301>

iii <https://www.hsph.harvard.edu/means-matter/means-matter/duration/>

2023 MASBHC HB 307 House Side FAV.pdf

Uploaded by: Robyn Elliott

Position: FAV



Committee: House Judiciary Committee

Bill: House Bill 307 - Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)

Hearing Date: February 15, 2023

Position: Support

The Maryland Assembly on School-Based Health Care supports *House Bill 659 – Maryland Medical Assistance – Adult Dental Coverage*. The bill seeks to improve children safety and reduce youth suicide by requiring firearms be stored in ways to prevent unsupervised access.

Nationwide, we have repeatedly seen school shooting incidents involving a child using a parent’s unsecured firearm. Additionally, there is a plethora of research that show that a firearm in the home increases a child suicide risk. Because of these risks, it is imperative that firearm owners store their firearms and ammunition in a way that prevents access by all children not just children under the age of 16 as is required by current law. This requirement aligns with the best practices that the vast majority of firearm owners follow. The *Youth Suicide Prevention and Firearm Safe Storage Guide* created by this bill is also essential in that it ensures that providers are prepared to discuss the importance of safe firearm storage with families.

We ask for a favorable report on this legislation. If we can provide any additional information, please contact Robyn Elliott at relliott@policypartners.net.

2023 MOTA HB 307 House Side FAV.pdf

Uploaded by: Robyn Elliott

Position: FAV



Maryland Occupational Therapy Association

PO Box 36401, Towson, Maryland 21286 ♦ mota-members.com

Committee: House Judiciary Committee

Bill: House Bill 307 – Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)

Date: February 13, 2023

Position: Support

The Maryland Occupational Therapy Association (MOTA) supports *House Bill 307 – Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)*. This bill will help reduce youth suicide and other firearm deaths by ensuring that firearms are stored in a way that is inaccessible to children.

In our work in schools, we have seen an increase in the number of children impacted directly by gun violence. We believe the combined strategy of increasing access to behavioral health services and decreasing access to firearms is essential in addressing rising rates of youth suicide and school shootings.

We know that 82% of youth under the age of 18 who attempted suicide by gun used a firearm belonging to a family member, usually a parent.¹ This legislation is urgently needed to save the lives of our students. We ask for a favorable report. If we can provide any additional information, please contact Robyn Elliott at relliott@policypartners.net or (443) 926-3443.

¹ <https://www.hsph.harvard.edu/means-matter/means-matter/youth-access/#:~:text=Source%20of%20Firearms%20in%20Youth%20Suicides&text=An%20NVISS%20study%20of%20firearm,family%20member%2C%20usually%20a%20parent.>

2023 MSCA HB 307 House Side FAV.pdf

Uploaded by: Robyn Elliott

Position: FAV

Maryland School Counselor Association

To: Judiciary Committee
Bill: HB 307 - Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)
Date: February 15, 2023
Position: Favorable

The Maryland School Counselor Association supports HB 307 – Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn’s Law). It is imperative that our law be updated to protect Maryland’s youth.

Youth Suicide: The Crisis in Maryland

Youth suicide is a public health crisis in Maryland. Based on a 2018 survey conducted in Maryland, 22.9% of middle schoolers reported seriously thinking about killing themselves and 18% of high schoolers reported they had seriously considered attempting suicide.ⁱ

Suicide rates are not equal across demographics. The Journal of Community Health reported that the suicide rate among Black females between the ages of 13-19 nearly doubled from 2001-2017.ⁱⁱ During the same time period for Black males ages 13-19, the rate of suicide rose 60%.

Youth Suicide and Firearms Access

Access to firearms is a significant risk factor for adolescent suicides.ⁱⁱⁱ Nationally, between 2015 and 2016, a firearm has been involved in 40% of the over 2,000 annual youth suicides.^{iv} Extensive evidence shows that access to firearms increases the likelihood of death by suicide among youth:

- When a home contains unlocked guns the odds of a child or adolescent dying by firearm suicide is more than **twice** as high as in households where guns are locked.^v
- The risk of suicide by gun is more than **twice** as high in households with loaded guns, as compared to households with unloaded guns.^{vi}

Sound evidence exemplifies the heightened behavioral and public health risks associated with youth access to firearms:

- 85% of suicide attempts with a gun are fatal compared to every other method which has a 5% fatality rate.^{vii}

- 82% of youth under the age of 18 who attempted suicide by gun used a firearm belonging to a family member, usually a parent.^{viii}
- About two-thirds of firearms in homes are stored unlocked.^{ix}
- 75% of children report knowing exactly where firearms are stored in their homes – ultimately risking tragic outcomes.^x

Firearm Deaths by Youth

Maryland’s Child Access Prevention legislation is named “Jaelynn’s Law” in honor of 17-year-old Jaelynn Willey who was killed at Great Mills High School in St. Mary’s County in 2018 when a student in crisis obtained a firearm from a family member. School shootings often imply suicide intentions on the part of the perpetrators, either by themselves or expecting a fatal outcome from authoritative personnel. One of the highest risk factors or warning signs for youth who may be considering a school shooting incident is “access to and experience with weapons” along with indicators such as recent history of violence, past history of violence, history of suicidal behavior and more.^{xi}

Peer-Reviewed Research supports an update to Maryland’s law:

- Estimates suggest that modest increases in the number of American homes safely storing firearms could prevent almost a third of youth gun deaths due to suicide and unintentional firearm injury.^{xii}
- A number of studies over the past 20 years have found that child access prevention laws can reduce suicide and unintentional gun deaths and injuries among children and teens by up to 54% with the greatest reductions occurring in states which require safe storage of firearms.^{xiii}
- A recent study estimated that approximately 100 suicides among 5- to 19-year-olds could be prevented annually if the proportion of unlocked firearms in households with children or adolescents decreased from 50% to 30%.^{xiv}

Conclusion

We ask for a favorable report. If more information would be helpful, please contact Robyn Elliott at relliott@policypartners.net.

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<https://health.maryland.gov/bha/suicideprevention/Documents/2020%20Maryland%20State%20Suicide%20Prevention%20Plan.pdf>

ii [The Changing Characteristics of African-American Adolescent Suicides, 2001-2017 | Request PDF \(researchgate.net\)](#)

iii <https://www.hsph.harvard.edu/means-matter/means-matter/risk/#:~:text=Twelve%20or%20more%20U.S.%20case,live%20in%20homes%20with%20guns.&text=Firearm%20access%20was%20a%20risk,for%20both%20males%20and%20females.>

iv <https://www.usnews.com/news/healthiest-communities/articles/2019-01-17/youth-suicide-rates-higher-in-states-with-more-gun-ownership>

v <https://www.srkd.org/research/access-firearms-increases-child-and-adolescent-suicide>

vi <https://www.srkd.org/research/access-firearms-increases-child-and-adolescent-suicide>

vii <https://www.hsph.harvard.edu/means-matter/means-matter/risk/>

viii <https://www.hsph.harvard.edu/means-matter/means-matter/youth-access/#:~:text=Source%20of%20Firearms%20in%20Youth%20Suicides&text=An%20NVISS%20study%20of%20firearm,family%20member%2C%20usually%20a%20parent.>

ix <https://www.hsph.harvard.edu/means-matter/means-matter/youth-access/>

x <https://www.nationwidechildrens.org/research/areas-of-research/center-for-injury-research-and-policy/injury-topics/general/gun-safety>

xi <http://jaapl.org/content/jaapl/36/4/544.full.pdf>

xii <https://giffords.org/lawcenter/gun-laws/policy-areas/child-consumer-safety/safe-storage/>

xiii Emma C. Hamilton, et al., “Variability of Child Access Prevention Laws and Pediatric Firearm Injuries,” *Journal of Trauma and Acute Care Surgery* 84, no. 4 (2018): 613–619. See also, Peter Cummings, David C. Grossman, Frederick P. Rivara, and Thomas D. Koepsell, “State Gun Safe Storage Laws and Child Mortality Due to Firearms,” *JAMA* 278, no. 13 (1997): 1084–1086; Daniel W. Webster, Jon S. Vernick, April M. Zeoli, and Jennifer A. Manganello, “Association Between Youth–focused Firearm Laws and Youth Suicides,” *JAMA* 292, no. 5 (2004): 594–601; Jeffrey DeSimone, Sara Markowitz, and Jing Xu, “Child Access Prevention Laws and Nonfatal Gun Injuries,” *Southern Economic Journal* 80, no. 1 (2013): 5–25.

xiv <https://www.srkd.org/research/access-firearms-increases-child-and-adolescent-suicide/#:~:text=A%20recent%20study%20estimated%20that,case%20today%2C%20to%2030%25.>

Please join Marylanders to Prevent Gun Violence &
National Association of Social Workers – Maryland Chapter
in Support of Child Access Prevention Legislation
in the 2022 Maryland General Assembly

American Academy of Pediatrics – Maryland Chapter
American College of Emergency Physicians – Maryland Chapter
Advocates for Children and Youth
Baltimore Behavioral Health Systems
City of Takoma Park
Community Behavioral Health Association of Maryland
Disability Rights Maryland
Licensed Clinical Professional Counselors of Maryland
LifeBridge Health
Maryland Academy of Advanced Practice Clinicians
Maryland Assembly of School-Based Health Care
Maryland Association of Youth Service Bureaus
Maryland State Council Emergency Nurses Association
Maryland Clinical Social Work Coalition
Maryland Nurses Association
Maryland Occupational Therapy Association
Marylanders to Prevent Gun Violence
Maryland Psychiatric Society
Maryland Psychological As

HB 307 - Firearm Storage.pdf

Uploaded by: Sarah Miicke

Position: FAV

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- Beth El Congregation
- Beth Israel Congregation
- Beth Shalom Congregation of
 - Howard County
- Beth Tfiloh Congregation
- B'nai B'rith, Chesapeake Bay Region
- B'nai Israel Congregation
- B'nai Jacob Shaarei Zion Congregation
- Bolton Street Synagogue
- Chevre Ahavas Chesed, Inc.
- Chevrei Tzedek Congregation
- Chizuk Amuno Congregation
- Congregation Beit Tikvah
- Congregation Tiferes Yisroel
- Federation of Jewish Women's
 - Organizations of Maryland
- Hadassah
- Har Sinai - Oheb Shalom Congregation
- J Street
- Jewish Federation of Howard County
- Jewish Labor Committee
- Jewish War Veterans
- Jewish War Veterans, Ladies Auxiliary
- Jewish Women International
- Jews For Judaism
- Moses Montefiore Anshe Emunah
 - Hebrew Congregation
- National Council of Jewish Women
- Ner Tamid Congregation
- Rabbinical Council of America
- Religious Zionists of America
- Shaarei Tfiloh Congregation
- Shomrei Emunah Congregation
- Suburban Orthodox Congregation
- Temple Beth Shalom
- Temple Isaiah
- Zionist Organization of America
 - Baltimore District

WRITTEN TESTIMONY

**House Bill 307 – Firearm Safety – Storage Requirements and Youth
 Suicide Prevention (Jaelynn’s Law)**

Judiciary Committee

February 15, 2023

SUPPORT

Background: House Bill 307(HB307) would require gun owners to securely store their firearms so that unsupervised minors and prohibited persons are unable to gain access to them. Additionally, this bill would require the Department of Health to develop a youth suicide prevention and firearm safe storage guide, with recommendations from a stakeholder committee.

Written Comments: Since the beginning of the pandemic, accidental gunshot deaths by children handling a gun have increased by 31% according to a report by Everytown for Gun Safety. The report further details that and instances of children taking hold of a gun and mistakenly shooting themselves, or others happens almost every single day somewhere in the country. 91% of the victims in these cases were under the age of 18. It is estimated that 5.4 million children are living in a household with a least one loaded and unlocked gun. This is deadly combination for tragedy, which the consequences are already being realized. Most of these shootings take place in homes of the shooter, the victim, a relative or a friend. The solution to this rapidly growing problem is simple: properly locking firearms so that no child can access them.

As Jews we believe that nothing is more important than preserving life. Countless more tragedies involving young people will happen if they are able to continue to access guns in their own homes. Firearms do not belong in the hands of minors or prohibited persons.

With this in mind, the Baltimore Jewish Council urges a favorable report of HB307.

The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of The Associated Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.

HB307 MSPA LOS.pdf

Uploaded by: Sarah Peters

Position: FAV



Delegate Luke Clippinger, Chair
Delegate David Moon, Vice Chair
Judiciary Committee
Room 201
House Office Building
Annapolis, MD 21401

February 12, 2023

Bill: House Bill 307– Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn’s Law)

Position: Support

Dear Chair Clippinger, Vice Chair Moon, and Members of the Committee:

I am writing on behalf of the Maryland School Psychologists’ Association (MSPA), a professional organization representing about 500 school psychologists in Maryland. We advocate for the social-emotional, behavioral, and academic wellbeing of students and families across the state.

We support House Bill 307 which strengthen storage requirements of firearms and creates and disseminates materials to prevent youth suicide as a result of firearm usage. The American Association of Suicidology report that gun ownership, even when controlling for depression, substance use, suicidal thoughts, poverty, education, access to care, religion, and many other factors, is strongly correlated with suicide rates by state. Individuals are five times more likely to die by suicide when there is a firearm in their home, especially when firearms are not stored safely. Firearms are the most common method of suicide; firearms result in death in 85-95% of suicide attempts.

We must keep our students safe. The National Association of School Psychologists and Maryland School Psychologists’ Association supports legislation that eliminates youth access to firearms and improves awareness of gun safety practices. In fact, firearms are now the leading cause of death for children under 19. Six out of every ten firearm-related deaths are suicides. House Bill 307 would help to keep Maryland’s students safe and prioritize preventative programs to prevent youth suicide.

For these reasons, we urge a favorable report on HB307. If we can provide any further information or be of assistance, please contact us at legislative@mspaonline.org or Sarah Peters at speters@hbstrategies.us or 410-322-2320.

Respectfully submitted,

Katie Phipps, M.Ed., Ed.S., NCSP
Committee Chair, Legislative Committee
Maryland School Psychologists’ Association.

13a - HB 307 - JUD - MACHO - LOS.docx.pdf

Uploaded by: State of Maryland (MD)

Position: FAV



**2023 SESSION
POSITION PAPER**

BILL: HB 307 – Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn’s Law)
COMMITTEE: House Judiciary Committee
POSITION: Letter of Support
BILL ANALYSIS: HB 307 would change requirements for storage location of firearms and ammunition, restrict access by unsupervised child or person prohibited from firearm possession, repeals negligence provision, require development of a youth suicide prevention and firearm safe storage guide, for local health departments and others to post that guide on their websites, and make grants to conduct related education available to local health departments and others eligible to apply.

POSITION RATIONALE: The Maryland Association of County Health Officers (MACHO) supports House Bill (HB) 307. HB 307 would make firearms less accessible to minors and persons prohibited from possessing firearms. The bill requires guns to be stored unloaded, in a locked container, and where unsupervised minors would not be able to easily access them. It requires ammunition to be stored securely. Persons who violate these requirements would be subject to fines and/or imprisonment. Additionally, the bill amends existing law, such that violating these requirements could be considered negligent. The bill also requires the Deputy Secretary for Public Health Services to develop a “youth suicide prevention and firearms safe storage guide” and would make grant funds available to local health departments and other organizations to provide education to families on safe firearms storage. *HB 307 has the potential to be lifesaving, as it could prevent young people from harming themselves – either accidentally or in an attempt to take their own lives.*

Suicide is the third leading cause of death for young people ages 10-24 in the United States.¹ For 10-14-year-olds, it is the second leading cause.¹ Reducing access to lethal means is one of the most effective ways to prevent suicide.² Nearly a quarter of people who attempt suicide go from considering the action to attempting to kill themselves in *as little as five minutes*.³ Making weapons more difficult to access can delay suicide attempts, give people time to reconsider their actions, and give family members more time to intervene. The education funded by the grants made available by this bill could give families the resources to support their children and provide an avenue through which to seek professional help.

While suicide is a complex problem that must be addressed through a multi-pronged approach (e.g., a safe and supportive home environment, access to mental health care, and community and peer support), removing an easily accessible means to commit suicide is a crucial step. Local health departments are willing and able to post the developed guide on their websites and are interested in the funding availability to conduct related education.

For these reasons, the Maryland Association of County Health Officers submits this LOS for HB 307. For more information, please contact Ruth Maiorana, MACHO Executive Director at rmaiora1@jhu.edu or 410-937-1433.

615 North Wolfe Street, Room E 2530 // Baltimore, Maryland 21205 // 410-937-1433

¹ Centers for Disease Control and Prevention. (2022). Suicide Prevention – Facts About Suicide. Retrieved from <https://www.cdc.gov/suicide/facts/index.html>

² Centers for Disease Control and Prevention. (2022). Suicide Prevention – Prevention Strategies. Retrieved from <https://www.cdc.gov/suicide/prevention/index.html#print>

³ Harvard T.H. Tan School of Public Health. (2023). Means Matter – Duration of Suicidal Crises. Retrieved from <https://www.hsph.harvard.edu/means-matter/means-matter/duration/>

HB 307 - Support - MPS WPS.pdf

Uploaded by: Thomas Tompsett

Position: FAV



February 13, 2023

The Honorable Luke Clippinger
House Judiciary Committee
Room 101, House Office Building
Annapolis, MD 21401

RE: Support – HB 307: Firearm Safety – Storage Requirements and Youth Suicide Prevention
(Jaelynn’s Law)

Dear Chairman Clippinger and Honorable Members of the Committee:

The Maryland Psychiatric Society (MPS) and the Washington Psychiatric Society (WPS) are state medical organizations whose physician members specialize in diagnosing, treating, and preventing mental illnesses, including substance use disorders. Formed more than sixty-five years ago to support the needs of psychiatrists and their patients, both organizations work to ensure available, accessible, and comprehensive quality mental health resources for all Maryland citizens; and strive through public education to dispel the stigma and discrimination of those suffering from a mental illness. As the district branches of the American Psychiatric Association covering the state of Maryland, MPS and WPS represent over 1000 psychiatrists and physicians currently in psychiatric training.

MPS and WPS support House Bill 307: Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn’s Law) (HB 0307), which strengthens firearms storage requirements to keep children safe and provides education about secure firearms storage and the negative consequences of unsafe storage practices on youth suicide.

Suicide among teens and young adults has nearly tripled since the 1940s. Among the risk factors is easy access to lethal means. The leading causes of death among youth ages fifteen (15) to twenty-four (24) continue to be unintentional injury and homicide, followed by suicide.¹ In the last decade, suicides by firearm in minors have increased substantially (by 82%)² and are the second leading cause of death for children under 18 in Maryland.³ One of the ways to prevent suicide is the restriction of access to lethal means. Additionally, most firearms involved in these deaths by firearms in minors

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1. Centers for Disease Control and Prevention, Web-based Injury Statistics Query and Reporting System (WISQARS), “Fatal Injury Reports,” last accessed June 26, 2020, <https://www.cdc.gov/injury/wisqars>. Calculations include children ages 10–17
 2. Centers for Disease Control and Prevention, Web-based Injury Statistics Query and Reporting System (WISQARS), “Fatal Injury Reports,” last accessed June 29, 2021, <https://www.cdc.gov/injury/wisqars>. Calculations include children ages 0–17 and were based on the most recently available data: 2015 to 2019.
 3. Renee M. Johnson, PhD, MPH, Catherine Barber, MPA, Deborah Azrael, PhD, David E. Clark, MD, and David Hemenway, PhD, “Who are the owners of firearms used in adolescent suicides?” *Suicide and Life-Threatening Behavior* (December 2010)



belong to a parent or relative.⁴ Laws preventing children's access to firearms reduce the number of suicides by firearm significantly.⁵

Studies suggest that the peak age of onset for having depressive-like symptoms is fourteen (14) to fifteen (15) years of age. The majority of individuals who develop depression experience their first clinically significant episode during the transition from middle to late adolescence (i.e., ages fifteen (15) to eighteen (18) years of age).⁶ By nature, children and adolescents are learning to regulate their emotions. Adolescents, in particular, are highly vulnerable to their peers' influence and opinions; their emotions often overwhelm their ability to communicate how they feel. For all these reasons, adolescents and young adults are a very vulnerable population to self-inflicted injuries and outward aggression, and guns are a quick and dangerous way to bring their impulses to completion.

MPS and WPS members often encounter well-meaning families who believe that educating their children about the risk of guns is enough. But many children involved in firearm deaths do not reach mental health services and are not exposed to this type of education. The many recent suicide-homicide mass shootings that have taken place across our nation and in Maryland schools are a manifestation of the improper storage of guns by the parents. This bill combines education and requirements that together can keep more children safe from firearm deaths.

MPS and WPS strongly urge you to support HB 0307 for it would save the lives of young people by suicide, homicide, and unintentional injury. For all the reasons above, MPS and WPS ask the committee for a favorable report of HB 0307.

If you have any questions with regard to this testimony, please feel free to contact Thomas Tompsett Jr. at tommy.tompsett@mdlobbyist.com.

Respectfully submitted,
The Maryland Psychiatric Society and the Washington Psychiatric Society
Joint Legislative Action Committee

⁴ Daniel W. Webster, ScD, MPH; Jon S. Vernick, JD, MPH; April M. Zeoli, MPH; Jennifer A. Manganello, PhD, MPH; et al, "Association Between Youth-Focused Firearm Laws and Youth Suicides." JAMA. 2004;292(5):594-601

⁵ Daniel W. Webster, ScD, MPH; Jon S. Vernick, JD, MPH; April M. Zeoli, MPH; Jennifer A. Manganello, PhD, MPH; et al, "Association Between Youth-Focused Firearm Laws and Youth Suicides." JAMA. 2004;292(5):594-601

⁶ Kessler RC, Berglund P, Demler O, Jin R, Merikangas KR, Walters EE. Lifetime prevalence and age-of-onset distributions of DSM-IV disorders in the National Comorbidity Survey Replication. Archives of general psychiatry. 2005; 62(6):593. <https://doi.org/10.1001/archpsyc.62.6.593> PMID: 15939837

Farrington 1986; Dodge et al. 2008; Piquero et al. 2012; Crick and Grotpeter, 1995 Garber J, Horowitz JL. Depression in children. Handbook of depression. 2002:510-40. Ge X, Conger RD, Elder GH Jr. Pubertal transition, stressful life events, and the emergence of gender differences in adolescent depressive symptoms. Developmental psychology. 2001; 37(3):404. PMID: 11370915

CIF Jaelynn's Law Testimony HB 307 2.13.2023.pdf

Uploaded by: Woodie Kessel

Position: FAV



**TESTIMONY OF THE CRITICAL ISSUES FORUM: ADVOCACY
FOR SOCIAL JUSTICE OF MONTGOMERY COUNTY, MARYLAND
ON FEBRUARY 15 2023
BEFORE THE MARYLAND HOUSE JUDICIARY COMMITTEE
REGARDING HB 307 - FIREARM SAFETY – STORAGE
REQUIREMENTS AND YOUTH SUICIDE PREVENTION (JAELYNN’S LAW)**

FAVORABLE

Honorable Chair Luke Clippinger, Vice-Chair David Moon, and Members of the House Judiciary Committee:

The Critical Issues Forum: *Advocacy for Social Justice* (CIF), provides this testimony in support of Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn’s Law) - HB 307. This legislation provides essential provisions to promote the safe storage of firearms and ammunition to prevent child access. Child Access Prevention (CAP) laws provide specific liability for adults who negligently leave firearms accessible to children and youth.

Composed of Temple Beth Ami, Kol Shalom, and Adat Shalom, CIF is a coalition of synagogues that include over 1,750 families and three denominations of Judaism: Reform, Conservative, and Reconstructionist. CIF is a vehicle for our congregations to speak out on policy issues that relate to our shared values, including the Jewish tradition’s emphasis on the primary value of human life. Gun violence prevention is a top priority.

The sponsors of HB 307 choose a short title—Jaelynn’s Law, to honor Jaelynn Willey, a 16-year-old student at Great Mills High School, who was murdered by a 17-year-old classmate. That classmate used a Glock handgun legally owned by his father. The current law, which relates to children under age 16, did not apply to this horrific tragedy. Jaelynn’s Law amends and improves current law by requiring:

- minors up to 18 years of age be covered by changing “child” to “minor”;
- safe storage of unloaded and loaded guns as well as ammunition;
- safe storage when “prohibited persons” are present in the household;
- a clearer liability standard and a graduated penalty;
- development of a youth suicide prevention and firearm safe storage guide;
- a grant program to support education on safe gun storage; and,
- funding to support the development of the guide and grant program

Firearms are the leading cause of death in children and youth ages 1 to 21 in Maryland and the United States, surpassing injuries and death from motor vehicle crashes.¹ Nationally, deaths by suicide and homicide, particularly from firearms, increase with age. In Maryland, 135 children and teens died by gun violence in 2020. This was more than twice the number of deaths from motor vehicle crashes.² Thirteen percent (13%) of the firearm deaths in Maryland were by suicide and 87% were homicides.³ It is outrageous and intolerable that gun violence is now the leading cause of death for our children in 2020.

To help keep children safe, the American Academy of Pediatrics (AAP), representing 67,000 pediatricians, has called for stronger common-sense firearm legislation, including strengthening background checks, supporting effective extreme risk protection orders, encouraging safe firearm storage, banning assault weapons, and addressing firearm trafficking.⁴ The AAP reports that about one-third of American children live in homes with firearms and 43% of those households have at least 1 unlocked firearm. Thirteen percent (13%) of households with guns contain at least 1 firearm that is unlocked and loaded or stored with ammunition. Tragically, suicide attempts involving a lethal firearm are fatal (91%) compared with those involving drug overdoses (23%). The increased risk of suicide is particularly striking for younger persons where guns are stored loaded and/or unlocked.⁵

Marylanders, like so many other Americans, are struggling with staggering loss, isolation, and the resultant mental health impacts resulting from the COVID19 pandemic. Properly securing firearms prevents access to lethal weapons and the likelihood of unintentional firearm injury, death by suicide, and interpersonal / domestic violence. Maryland's Child Firearm Access Prevention law needs to be strengthened so that firearms are securely stored, while still allowing gun owners reasonable access to them when needed.

HB 307 provisions are particularly important given the increased gun sales in Maryland—a more than 76% increase in the first 11 months of 2020 over 2019 as evidenced by FBI background investigations.⁶ Gun sales of January 2021 compared to January 2020 increased by 134 percent.⁷ A significant portion of those gun purchases, 40%, were first time gun owners who may or may not know about the best safe storage practices.⁸

¹ CDC Wisqars On-line Causes of Injury-Related Death Data Base, Violence-related Firearm Deaths; Both Sexes; Age Range: <1 – 21; All Races and Ethnicity; US and Maryland; 2020.

² Ibid

³ Ibid

⁴ <https://www.aap.org/en/advocacy/gun-violence-prevention/>

⁵ <https://www.aap.org/en/advocacy/state-advocacy/safe-storage-of-firearms/>

⁶ Rising gun sales put more lives at risk | COMMENTARY; Baltimore Sun Editorial Board; Baltimore Sun; Dec 07, 2020.

⁷ <https://www.washingtonpost.com/business/2021/02/03/gun-sales-january-background-checks/>

⁸ Background Checks. A Metric for Gun Sales, Hit All-time High, Baltimore Sun, July1, 2020.

A 2017 study concluded: “Pediatric firearm injuries and deaths are an important public health problem in the United States contributing substantially each year to premature death, illness, and disability of children.”⁹ The study authors found that “most children who died of unintentional firearm injuries were shot by another child in their own age range and most often in the context of playing with a gun or showing it to others...children are curious about firearms and will touch a firearm even when instructed not to do so, which points to the importance of adult supervision and the need to store firearms safely and out of the reach of children.”⁹

Although the American Academy of Pediatrics recommends that household firearms be stored safely, fewer than 1 in 3 households with children follow this guidance.¹⁰ Yet the research literature demonstrates that adherence to these guidelines by safely storing firearms can significantly reduce adolescent and young adult injuries and deaths. This study concluded that youth suicides could decline substantially if only an additional 20% of gun owning households began safely storing their firearms. A 1997 study concluded that the first 12 state laws limiting child access to firearms resulted in a 23% lower than expected number of unintentional firearm-related deaths.¹¹ A later study found that these laws were associated with a 10.8% reduction in firearm suicides overall and an 11.1% reduction in suicide rates for older youth age 18-20.¹² As this study noted, these “laws may encourage gun owners... [with young children] to adopt safe practices that endure” after their children are older, and “may increase awareness and change social norms to encourage gun owners to secure firearms...” In short, these laws can save our children’s lives.

Maryland’s leaders understood the great importance of preventing firearm access to young people when they passed our state’s current law. Now, the straightforward amendments that are proposed in Jaelynn’s Law will make that law consistent with other Maryland Laws and laws in other states that require safe storage for homes with children. Further, raising the safe storage age will send an important message that storing lethal firearms safely is critical. Safe storage of medications, alcohol, toxic materials, building pool fences and securing children in car safety seats and or with seatbelts practiced diligently by parents has saved the lives of children! Securing lethal weapons safely should be no different. It is feasible, inexpensive, non-compromising and simply makes good sense. Using a biometric / pin code to open a gun safe only takes seconds similar to dialing 911 on a smartphone.

⁹ Fowler KA, Dahlberg LL, Haileuesus T, et al. Childhood Firearm Injuries in the United States. *Pediatrics*. 2017; 140(1): e20163486.

¹⁰ Monuteaux, Michael C., et al. Association of Increased Safe Household Firearm Storage with Firearm Suicide and Unintentional Death Among US Youths, *JAMA Pediatrics* , 2019; 173(7):657-662. doi:10.1001/jamapediatrics.2019.

¹¹ Cummings P, Grossman DC, Rivara FP, Koepsell TD. State gun safe storage laws and child mortality due to firearms. *JAMA*. 1997; 278: 1084-1086.

¹² Webster, Daniel W., et al. “Association Between Youth-Focused Firearm Laws and Youth Suicides.” *JAMA*, 2004; 292: 594. doi:10.1001/jama.292.5.594

In addition to raising the age where safe storage is required, HB 307 modifies the current law in other important respects. The current law requires that only **loaded** guns be safely stored. The HB 307 requires safe storage of **unloaded** guns as well. The bill also changes the standard to impose liability when a person “knew or reasonably should have known that it would be likely that a prohibited person or unsupervised minor is likely to gain access to the firearm” rather than the current standard, which only imposes liability if a minor “would” get access.

Under current law, the maximum penalty for violating the law, no matter how dire the consequences, is a \$1000 fine. Under HB 307, the penalty solely for failing to safely store a firearm would include possible time in jail not to exceed 90 days. The potential penalty is graduated, with more severe penalties where a minor gains access to a firearm and where the firearm causes harm to the minor or another person.

Given the increasing risk of death by suicide involving a firearm, House Bill 307 smartly calls for the Maryland Deputy Secretary for Public Health Services to develop a youth suicide prevention and firearm safe storage guide. It directs the guide to be developed from recommendations by a representative stakeholder advisory committee to make recommendations and be disseminated widely. It is an essential element of alerting responsible gun owners what’s at stake and the import of prevention. Importantly, funding is provided to develop the guide and the grant program required by this bill.

We repeat for emphasis: Safe storage laws are effective. Scientific evidence from an evaluation of over 200 combinations of policies and outcomes conclusively demonstrated that “child-access prevention laws, or safe storage laws, reduce self-inflicted fatal or nonfatal firearm injuries — including unintentional and intentional self-injuries — among youth. Evidence also supports the conclusions that such laws reduce firearm homicides among youth.”¹³

HB 307’s common sense modifications to Maryland’s current law for the safe storage of firearms will enhance the safety of our state’s youth, protecting them and their parents from needless tragedy. The provisions are consistent with the latest recommendations of the American Academy of Pediatrics.¹⁴

CIF urges the committee to produce a favorable report supporting House Bill 307 to strengthen existing child access prevention provisions and save lives.

¹³ Smart, Rosanna, Andrew R. Morral, Rajeev Ramchand, Amanda Charbonneau, Jhacova Williams, Sierra Smucker, Samantha Cherney, and Lea Xenakis, *The Science of Gun Policy: A Critical Synthesis of Research Evidence on the Effects of Gun Policies in the United States*, Third Edition, RAND Corporation, RR-A243-4, 2023. As of February 1, 2023: https://www.rand.org/pubs/research_reports/RR-A243-4.html

¹⁴ Lee, L; et al; Firearm-Related Injuries and Deaths in Children and Youth: Injury Prevention and Harm Reduction. *PEDIATRICS* Volume 150, number 6, December 2022:e2022060070

HB 307 - FWA - Women's Law Center of MD.pdf

Uploaded by: Laure Ruth

Position: FWA

BILL NO: House Bill 307
TITLE: Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)
COMMITTEE: Judiciary
HEARING DATE: February 15, 2023
POSITION: **SUPPORT WITH AMENDMENTS**

House Bill 307 would require the safe storage of firearms away from both children and prohibited persons. The Women's Law Center (WLC) supports House Bill 307 because increasing protections from inappropriate people having access to firearms is good public policy.

House Bill 307 is a common sense update to existing law regarding storage of firearms. It seeks to add protections so that minors, people experiencing suicidal thoughts or "prohibited persons" as defined cannot easily obtain access to firearms. We refer the Committee to the Maryland Network Against Violence's testimony for statistics regarding the use of firearms in domestic violence fatalities. Owners of firearms should always keep their firearms safely locked, separate from ammunition, and not accessible to people who should not have access to them.

We suggest that the definition of "prohibited person" in HB 307 should be amended to specifically include those persons identified in Md. Family Law Code Ann. to § 4-506, rather than relying on a catch-all provision.

Therefore, the Women's Law Center of Maryland, Inc. strongly urges a favorable report on House Bill 307 with amendments.

The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change.

13b - HB 307 - JUD - MDH - LOSWA.docx.pdf

Uploaded by: Maryland State of

Position: FWA



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Acting Secretary

February 15, 2023

The Honorable Luke Clippinger
Chair, House Judiciary Committee
Room 101, House Office Building
Annapolis, MD 21401-1991

RE: HB 307 – Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn's Law) – Letter of Support with Amendments

Dear Chair Clippinger and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of support with amendments for HB 307 – Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn's Law). HB 307 modifies the requirements for storing a firearm to prevent unsupervised access to a firearm by a minor and an individual who is prohibited from possessing a firearm. This bill will also require the Deputy Secretary for Public Health Services to develop a youth suicide prevention and firearm safe storage guide.

Firearms are present in 18% to 64% of US households.. Use of gun safety devices and safe storage practices are effective public health prevention strategies. A large share of unintentional firearm fatalities occur in states where gun owners are more likely to store their firearms loaded or even loaded and unlocked. Interventions aimed at keeping firearms locked, unloaded, and stored separately from ammunition are associated with fewer unintentional firearm deaths and firearm suicides.

MDH supports suicide prevention initiatives. The U.S. Centers for Disease Control (CDC) data indicates that guns drove the increase in all suicides. Specifically from 2019 to 2021, the suicide rate increased by 10%, while the non-gun suicide rate decreased by 8%.¹ Recognizing this, MDH supports establishing a stakeholder advisory committee to make recommendations regarding the development of the youth suicide prevention and firearm safe storage guide.

HB 307 specifically tasks the Deputy Secretary of Public Health Services to establish the advisory committee and develop the youth suicide prevention and firearm safe storage guide by January 1, 2024. While Public Health Services includes the Center for Injury and Violence Prevention, the Maryland Suicide Prevention Program lies within the Behavioral Health Administration (BHA), which also staffs the Governor's Commission on Suicide Prevention. To promote collaboration and inclusion of the various programs with expertise in suicide prevention and unintentional injury, MDH suggests amending the bill to: (1) task the responsibilities to the

¹ <https://publichealth.jhu.edu/new-analysis-guns-drove-the-increases-in-homicides-and-suicides-from-2019-to-2021>

Secretary of Health or designee rather than specifically the Deputy Secretary of Public Health Services to allow for greater flexibility and (2) modify the January 1, 2024 development date for the youth suicide prevention and firearm safe storage guide to June 30, 2024 to allow adequate time for the stakeholder group to meet and develop a useful guide.

If you would like to discuss this further, please do not hesitate to contact Megan Peters, Acting Director of Governmental Affairs at megan.peters@maryland.gov or (410) 260-3190.

Sincerely,

A handwritten signature in blue ink, appearing to read "LH Scott". The signature is fluid and cursive.

Laura Herrera Scott, M.D., M.P.H.
Acting Secretary

MDH Amendments

HB 307 – Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)

First Reader

On page 4, lines 25-26, strike “January 1, 2024, the Deputy Secretary for Public Health Services” and replace with “June 30, 2024, the Secretary of Health or designee”

On page 6, line 14, strike “Deputy Secretary for Public Health Services” and replace with “Secretary of Health or designee”

On page 6, line 26-27, strike “Deputy Secretary for Public Health Services” and replace with “Secretary of Health”

HB 307_MNADV_FWA.pdf

Uploaded by: Melanie Shapiro

Position: FWA



BILL NO: House Bill 307
TITLE: Firearm Safety - Storage Requirements and Youth Suicide Prevention
(Jaelynn's Law)
COMMITTEE: Judiciary
HEARING DATE: February 15, 2023
POSITION: **SUPPORT WITH AMENDMENTS**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Judiciary Committee to issue a favorable report with amendments on HB 307.**

MNADV would request that the definition of prohibited persons be amended to specifically include prohibited persons pursuant to § 4-506 of the Family Law Article.

The risk of homicide for women increases by 500% with the presence of a gun in the home.¹ The 2021 domestic violence homicide numbers were the highest they have been in over ten years.² There were 58 Marylanders that lost their lives as the result of domestic violence in 2021. At least 47 children were left behind as a result of these deaths. A firearm was used in 76% of the deaths.

The most dangerous time for a victim of domestic violence is when they leave, increasing the risk of homicide as well as increased violence.³ Pursuant to a final order of protection a court, “shall order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession, and to refrain from possession of any firearm, for the duration of the protective order.”⁴ It is within the court’s discretion whether to order the surrender of firearms for interim and temporary orders of protection. In January 2023 firearms were ordered to be surrendered by 882 individuals pursuant to final orders of protection and 274 orders to vacate a home were rendered.⁵

¹ The National Domestic Violence Hotline, Retrieved 1/29/21, <https://www.thehotline.org/resources/safety-planning-around-guns-and-firearms/>

² https://www.mnadv.org/wp-content/uploads/2022/02/2022-Memorial-Program-Trifold_Final-Version.pdf

³ <https://ncadv.org/why-do-victims-stay>

⁴ MD FAMILY § 4-506

⁵ https://mdcourts.gov/data/dv/DVCR_Statewide_2023_1.pdf



House Bill 307 would require the safe storage of firearms away from both children and prohibited persons. When looking at the constellation of factors of the risk of lethality for victims of domestic violence with the presence of a firearm, the risk of lethality for a victim when they leave, and the status of the respondent of a final order of protection as a prohibited person, it is a sound policy decision to include prohibited persons in the safe storage laws in Maryland.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report with amendments on HB 307.**

HB 0307_HoCoState'sAttorney_FavwithAmendment_Firea

Uploaded by: Rich Gibson

Position: FWA



HOUSE BILL 0307

Firearm Safety-Storage Requirements and Youth Suicide Prevention-Jaelynn's Law

RICH GIBSON, HOWARD COUNTY STATE'S ATTORNEY

POSITION: FAVORABLE WITH AMENDMENT

February 13, 2023

My name is Rich Gibson, I am the State's Attorney for Howard County and have been a prosecutor for nineteen years. Part of my obligations as State's Attorney is to advocate for laws that enhance the safety and well-being of our community; that is the reason I am writing today to offer my support for House Bill 0307.

This bill, if passed, will enhance public safety by creating a regulatory structure designed to promote the safe storage of deadly firearms. The combination of an unsupervised minor or a prohibited person and a readily accessible, highly lethal firearm is a catastrophe waiting to happen. It is foreseeable that a young individual lacking an appreciation for the lethality of guns and the potential permanence of the consequences associated with the improper handling and usage of a gun, could make choices with lasting devastating impacts. Moreover, people convicted of disqualifying crimes have previously engaged in an action that displays they are not responsible enough to lawfully possess firearms. Suicides, homicides, and non-fatal shootings are preventable, if we are willing to put in place the proper restrictions to limit access to lethal weapons. This bill goes a long way in furtherance of that goal.

One amendment I suggest to this bill is to make a conviction sustained due to a violation of this law a disqualifying crime under Public Safety Article § 5-101 (g) and punishable under § 5-133. If someone is irresponsible with the storage of firearms and a prohibited person or unsupervised minor gains access to that

weapon that person has displayed a level of irresponsibility that should disqualify them from the future possession of firearms.

One issue that has been raised in advance is whether prosecutors will pursue charges against family members who improperly store weapons and access to those weapons by a minor leads to a self-inflicted injury or suicide. Prosecutors are elected by the local communities they serve because those local communities trust our judgment. We will assess each incident on a case-by-case basis and bring charges where appropriate.

For these reasons, **I respectfully request a favorable report on House Bill 0307 with amendment.**

Brent Amsbaugh HB0307 Testimony.pdf

Uploaded by: Brent Amsbaugh

Position: UNF

Brent Amsbaugh

HB0307 Written testimony

I do not understand this body. The gist of the Second Amendment is the **right** to “Keep and Bear Arms”. Where the new carry laws proposed by this body seek to restrict the **right** to bear arms, the storage bills appear to be designed to attack our **right** to keep arms in our homes as we see fit. Simply put, the storage bills require that I store my firearms in a manner that makes them unavailable for immediate self-defense. For that reason alone, I urge an unfavorable reading.

PS – I know that bolding the word *right* in my testimony can be annoying, I do it in the hopes to remind everyone reading this that the Constitution did not grant us the right to self-defense, but rather sought to protect that right. Despite your views to the contrary, it is our absolute right to keep and bear arms. These bills are most certainly an infringement.

NRA Oppose HB307.pdf

Uploaded by: D.J. Spiker

Position: UNF

NATIONAL RIFLE ASSOCIATION OF AMERICA

INSTITUTE FOR LEGISLATIVE ACTION

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



NRA

February 7, 2023

House of Delegates
Judiciary Committee
Chairman Luke Clippinger
6 Bladen St
Annapolis, MD 21401

Dear Chairman Clippinger:

On behalf of our tens of thousands of members in Maryland, we ask you today to give an unfavorable report to House Bill 307 for the following reasons:

Increasing the age restriction

HB307 would change § 4-104 by substituting the term “minor” for “child” throughout the section. This has the effect of applying the firearm storage requirement to situations involving anyone under the age of 18.

Addition of prohibited persons

HB307 requires gun owners to take the same storage precautions to prevent access by a prohibited person as they would for a minor. The circumstances are somewhat different, as there are exceptions to the storage requirement for minors to use firearms in certain circumstances, whereas there are no such exceptions for prohibited person.

Limits the exceptions to rifles and shotguns

At present, the exceptions under which a child is permitted to have access to a firearm pertains to all “firearms.” HB307 would alter § 4-104 to limit that to only a rifle or shotgun.

Alteration of the certificate exception

HB307 would change § 4-104 by removing the certificate of firearm and hunter safety exception to the application of the statute. Meaning that even a responsible minor who has acquired such a certificate could no longer have access to firearm without also having express permission from a parent or guardian.

At present, the exemption in § 4-104(b)(4) creates a means by which a responsible child may have unsupervised access to a firearm. You might imagine a scenario where a 15-year-old get off from school at 2:30pm before his parents get home and would want to go hunting.

Under the HB307, a minor would need to have this certificate along with the requirement the minor

(II) HAS BEEN GIVEN EXPRESS PERMISSION BY THE MINOR’S PARENT OR GUARDIAN TO ACCESS THE RIFLE OR SHOTGUN FOR THE PURPOSE OF ENGAGING IN A LAWFUL ACTIVITY.

Further, HB307 further alters the § 4-104(b)(4) exemption to limit it to a minor’s access to rifles and shotguns, rather than all firearms. So, a .22lr pistol could not be stored in such a manner to permit a 17-year-old just home from school to

access it in order to plink or go hunting by themselves.

Loaded versus unloaded

HB307 would change § 4-104 by extending the storage requirement from covering only loaded firearms to both loaded and unloaded firearms.

Unclear storage requirements

HB307 provides that a person is exempted from the statute is,

(III) THE FIREARM: SECURED IN A LOCKED CONTAINER THAT IS EQUIPPED WITH A TAMPER-RESISTANT LOCK;

The above language makes clear that not all locked containers are sufficient for firearm storage, as the container must have a “tamper-resistant” lock. “Tamper-resistant lock” is not defined for the purposes of this statute. Therefore, gun owners would not be able to know what storage arrangements meet this vague definition.

According to a word search, the term “tamper-resistant lock” does not appear anywhere else in Maryland code. The term “tamper resistant” does appear in relation to smoke alarms, giving no guidance on how it would be interpreted in this context.

Lowering the bar for a violation

The legislation changes the following existing language,

A person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child **would** gain access to the firearm.

To,

A person may not store or leave a loaded firearm in a location where the person knew or **reasonably** should have known that **a prohibited person or** an unsupervised ~~child~~ **minor is likely to** gain access to the firearm.

This lowers the threshold for culpability. “Would” connotes that the person knew or should have known that the child was going to gain access to the firearm. The removal of “would” connotes that the person knew or should have known that the child may possibly gain access to the firearm.

The new language implicates a larger array of firearm storage arrangements, and is therefore, far worse.

Increased penalties

The penalty for a violation of the existing storage provision is increased from a misdemeanor with a fine of up to \$1,000 to imprisonment up to 90 days or a \$1,000 fine or both.

The legislation also creates new penalties based on the severity of the result of not properly storing the firearm.

If an unsupervised minor or prohibited person in fact gains access to the firearm it is a misdemeanor punishable by up to 2 years imprisonment or a fine of up to \$2,500 or both.

If an unsupervised minor or prohibited person in fact gains access to the firearm and an injury results, it is a misdemeanor punishable by up to 3 years imprisonment or a \$5,000 fine or both.

Legislation is unnecessary

MD Code, Criminal Law, § 3-204 provides,

(a) A person may not recklessly:

(1) engage in conduct that creates a substantial risk of death or serious physical injury to another;

The penalty for such conduct is a misdemeanor that carries up to five years imprisonment, a fine of up to \$5,000, or both.

There is recent caselaw (*Tabassi v. Carol County Department of Social Services* (2018)) suggesting that this statute has been used to prosecute those who have left children with access to firearms.

The National Rifle Association respectfully requests that you *give an unfavorable report to House Bill 307*.

Sincerely,

D.J. Spiker
State Director
NRA-ILA

CC:

Del. David Moon
Del. Lauren Arikan
Del. Sandy J. Bartlett
Del. Christopher Eric Bouchat
Del. Jon S. Cardin
Del. Frank M. Conaway Jr.
Del. Charlotte Crutchfield
Del. Elizabeth Embry
Del. Robin L. Grammer Jr.
Del. Aaron M. Kaufman
Del. Rachel Munoz
Del. Cheryl E. Pasteur
Del. N. Scott Phillips
Del. Stuart Michael Schmidt Jr.
Del. Gary Simmons
Del. Karen Simpson
Del. Kym Taylor
Del. Chris Tomlinson
Del. Karen Toles
Del. William Valentine
Del. Nicole A. Williams
Del. Caylin Young

DC-W_HB 307_UNF.pdf

Uploaded by: Daniel Carlin-Weber

Position: UNF

Daniel J. Carlin-Weber
HB 307
Unfavorable
2/15/2023

I am a professional firearms instructor and advocate of responsible firearms handling and ownership. I teach through my Baltimore City-based company, C-W Defense, and hold numerous credentials related to firearms instruction including being recognized as a Qualified Handgun Instructor by the Maryland State Police. Since 2016, I have taught Marylanders from all walks of life how to safely operate firearms and the responsibilities that come with them. I come before you today to urge an unfavorable report for House Bill 307.

HB 307 seemingly aims to keep guns out of access from minors (taking existing state law from 16 and under to 18 and under), but the bill goes much, much further than that. Currently, Maryland Code, Criminal Law, §4-104 (c) states: “A person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child would gain access to the firearm.” This bill expands on that by requiring adults to acquire storage devices for their firearms and ammunition, but somehow in a manner that prohibits access to those under 18.

Frankly, there’s no ‘one way’ to store firearms safely. I teach my students that firearms storage within their homes should comport to their lifestyle considerations and should, at minimum, keep honest people honest. Despite how much money they spend, however, there is simply no way to prohibit all access. It is unclear by the terms of this bill what level of security would be adequate. The devices that many gun owners use for locking their guns are often the locks that came with their purchases and are approved by the Maryland Handgun Roster Board for use. These basic locks are also often handed out by organizations like Moms Demand Action and the National Shooting Sports Foundation. *Group passes out free gun locks in safety campaign*, 4WWL-TV, <https://www.wwltv.com/article/news/local/group-passes-out-free-gun-locks-in-safety-campaign/289-560410625>. **These devices are not difficult to defeat.** *Gun Cable Locks Defeated with Hand Cutters*, YouTube, LockPickingLawyer, <https://www.youtube.com/watch?v=tOjrAsg49M>. They’re also not adequate under the bill because they are not storage devices themselves, but merely attempt to restrict the function of the firearm. The penalties within the bill could very well be used against entirely well-meaning people – again, not something this body should be focused on. Good security costs and purpose-made heavy-duty gun safes with stout locks start at many hundreds to even thousands of dollars. Should someone who was only able to afford a \$100 locking box be penalized because a crafty middle-schooler managed to defeat its lock and gain access to the gun inside? That cannot be the aim of the bill.

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ProVault 12-Gun Safe by Liberty with Electronic Lock ★★★★★ (20) \$549.99	Liberty Safe HD-90 Key Vault ★★★★★ (15) \$64.99	ProVault Electronic-Lock 18-Gun Safe by Liberty ★★★★★ (11) \$669.99 \$679.99 Save \$10.00 Sale	IDENTILOCK Biometric Fingerprint Gun Lock ★★★★★ (10) \$199.88 - \$239.00 New!
Liberty Safe Centurion 18-Gun Safe ★★★★★ (5) \$669.99	Liberty Safe HD-50 Key Vault Portable Safe Box ★★★★★ (4) \$28.99	Cabela's Outfitter E-Lock 25-Gun Safe by Liberty ★★★★★ (3) \$999.97 \$1,189.99 Save \$190.02 Sale	Cabela's Signature E-Lock 25-Gun Safe ★★★★★ (3) \$1,799.99

Safes are the best option to store firearms, but they are expensive and cost-prohibitive to many. Safes are also often very heavy or large and not everyone's living situation is suited to having such a device. Lockers (similar to safes, but usually made with thinner metals and lesser locking mechanisms) are not bad options as they are more budget-friendly, lighter, and more easily installed, and a locker will generally keep an honest person honest. That said, these devices can be defeated with crowbars and time—if the simple locks common to these devices aren't picked first. Quick-access safes are fine for one or two handguns and aren't harshly expensive, but even these have vulnerabilities. *AmazonBasics PS75EF: A Firearm Safety Device FAIL*, YouTube, uploaded by Handgun Safe Research, 8 Feb. 2021, www.youtube.com/watch?v=jt4zTEN9pPs.

The risk that entirely innocent gun owners who are trying their best to be responsible will find themselves confused and vulnerable to arbitrary and capricious enforcement of these new impossible-to-satisfy requirements is greater than zero and that is too high. Gun ownership is an individual right (*District of Columbia v Heller*, 554 U.S., 570 (2008)) and not one predicated on whether the citizen is able to spend another \$1000 or so on a safe for their guns or entirely prevent every possible way

against unauthorized access from another. *Heller* also recognized that Americans have a right to *immediate* access to the means to be able to protect themselves within their homes and struck as unlawful the District of Columbia's requirement that firearms be kept locked and inoperable. This bill would have a similar effect if enacted.

I have not seen a good explanation of why current Maryland law is inadequate. Willful or gross negligence should be the standard by which someone is penalized if their actions or inactions lead to harm. This bill doesn't do this, however, and instead just threatens every gun owner in the state with prosecution because any minor might gain access to their firearm, despite storage that the typical person would find reasonable. The body should investigate ways to incentivize responsible and safe firearms storage solutions rather than relying on the threat of imprisonment.

I urge an unfavorable report.



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Written testimony submitted on 13 February, 2023

To the Chair, members and staff of the 2023 House Judiciary Committee,

Thank you for taking time to read my testimony **in opposition** to HB 307, “Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn’s Law)”. For background, I am a Maryland resident and I live in Montgomery County. I have an unfavorable opinion about this bill and I am opposed to it. I stand in opposition to this proposed legislation because this proposed law violates the Maryland Declaration of Rights and the US Constitution Bill of rights. Further, it will not reduce youth suicides. I say this because one of my siblings committed suicide by hanging many years ago. I personally learned then that if someone is intent on suicide they will achieve it. We need look no further than nations like Korea, Mexico, India and other states that have strict limitations on firearms to note that suicide is a problem is driven by behavioral health causes, not the instrument or method of suicide.

Further, it is likely that this regulation will not stand up to legal scrutiny. It violates the Second Amendment and the prescriptions of the U.S. Supreme Court Bruen decision because the bill is counter to the plain text meaning of the Second Amendment to the U.S. Constitution. It is also outside the norms of all known and referenced historical regulations from the era of the nation’s founding. And it matches the historical tradition of the 20th century instead of the traditions of the country’s founding.

Our civil rights, including the right to keep and bear arms in public, are integral and important to the social fabric of Maryland, and the US. When we weaken one right, we weaken all of them. This proposed legislation will expose victims of violent crime, especially women, to murders, rapes, shootings and other violent acts because they will be unable to immediately take arms to defend themselves when confronted with violence. The Act will not solve the problems which it intends to solve, it will alienate a substantial amount of the population from itself and its government, and it will waste a lot of the State’s resources when the State will be compelled to unsuccessfully defend it in public. Please do not let this Law out of Committee. Here are many reasons why I think the this bill should not be advanced out of the House Judiciary Committee.

Maryland Declaration of Rights, Article 2; & US Constitution and Bill of Rights, 2nd Amendment

First, this Law would *prima facie* violate the [Maryland Constitution Declaration of Rights](#), Article 2; and the 2nd Amendment to the [United States Constitution Bill of Rights](#). Article 2 of the Maryland Declaration of Rights ***unambiguously*** states ***“The Constitution of the United States, and the Laws made, or which shall be made, in pursuance thereof, and all Treaties made, or which shall be made, under the authority of the United States, are, and shall be the Supreme Law of the State; and the Judges of this State, and all the People of this State, are, and shall be bound thereby; anything in the Constitution or Law of this State to the contrary notwithstanding.”*** The Maryland Declaration of Rights does not specifically cite a right to bear arms, **but the US Bill of Rights does**, and it does so explicitly in the 2nd Amendment, which states ***“A well regulated Militia, being necessary to the security of a free State, **the right of the people to keep and bear Arms, shall not be infringed.**”*** The members of this Committee shall no doubt read ample commentary about the meaning of the US Bill of Rights 2nd Amendment, and how this should be incorporated into the legislative process. For purposes of this

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testimony, **the Committee members must note** that according to the US Supreme Court’s many rulings and orders over the last several decades, the “...right of the people to keep and bear arms, shall not be infringed” must be interpreted and understood via the following principles:

1. **The right to self-defense pre-dates the founding of the United States (and Maryland.)** This right is a pre-existing right, and it endures until today; and **the right to self-defense includes but is not limited to hearth and home. The right to self-defense is present in any place a person is located.**
2. The 2nd Amendment should be understood through **the clear meaning of the text**, including the prefatory and operative clauses of the 2nd Amendment, i.e.
 - a. Prefatory clause: “A well-regulated militia, being necessary to the security of a free state...” means that the existence of the Free State of Maryland necessitates that the people are entitled and able to keep **AND BEAR** arms in order that they may support and defend the Free State should it be required, **and**
 - b. Operative clause: “...the right of the people to keep and bear arms shall not be infringed.” means that where the state is concerned, the people have had and continue to have a pre-existing right to bear arms for self-defense; and the fact that this right exists enables the Free State of Maryland to be supported and defended by the people who are able to bear arms in support of the Free State. It also means that this right **cannot be infringed** because in so doing the Free State of Maryland is imperiled.
3. To determine if conduct around the keeping and bearing of arms is protected by the Maryland Declaration of Rights and/or the 2nd Amendment of the US Bill of Rights, **legislators AND justices** must first assess if the 2nd Amendment is implicated by the conduct in question.
4. If the conduct in question implicates the 2nd Amendment of the US Bill of Rights, the legislators must then assess if the conduct is legal. If it is legal and protected by the 2nd Amendment to the US Constitution, the inquiry stops. No law should be made that would violate the conduct in question, and should the law be in place, it should be struck.

In Sum:

- The Maryland Declaration of Rights does not explicitly reference the right to keep and bear arms.
- The US Constitution and Bill of Rights, including the 2nd Amendment, are the “...Supreme Law of the State; and the Judges of this State, and all the People of this State, are, and shall be bound thereby...”
- The right to self-defense is a pre-existing right that is protected under the 2nd Amendment of the US Bill of Rights.
- The right to self-defense exists in and extends beyond hearth and home.
- The viability of the Free State of Maryland necessitates that the people are entitled to keep and bear arms.
- The immediate possession of firearms for self-defense inside and outside the home for self-defense is legal because it is a protected right.
-

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- Maryland Legislators MUST consider if any proposed legislation regarding the right to keep and carry a gun inside and outside the home for self-defense implicates the 2nd Amendment right to keep and bear arms outside the home. The legislature must do this analysis PRIOR to adopting any legislation regarding these rights.
- In the case of HB 307, **it is 100% certain that this legislation will implicate the 2nd amendment right to lawfully keep and carry firearms inside and outside the home for self-defense throughout the state of Maryland.** The publicly available first text/publication of this law is a blanket requirement to store firearms in conditions that do not make them immediately available for self-defense in the urgency required to defend against criminal violent confrontations.
- The legislature must then consider if the 2nd Amendment implicating conduct (restricting the carrying of firearms for self-defense) is legal under the US Bill of Rights.
- It is 100% certain that that the this bill's requirement to store and inhibit firearm usage within and outside the home will be illegal under the US Constitution, and as such, the Maryland Declaration of Rights.

Maryland Declaration of Rights, Article 44

Additionally, the bill violates the Maryland Declaration of Rights, Article 44, which declares ***“That the provisions of the Constitution of the United States, and of this State, apply, as well in time of war, as in time of peace; and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good Government, and tends to anarchy and despotism.”***

The proposed Law violates this Article of the Maryland Declaration of rights because the rights of the people under the 2nd Amendment of the US Constitution, and the Maryland Declaration of rights, are violated under a “plea of necessity”. The “plea of necessity” flies under the flag of high suicide rates, but in truth, and from personal experience with my own sibling’s suicide, suicide will be accomplished if the person intends to commit it. We must also think, speak and legislate frankly about the statistics that color suicides. The sad reality is that suicides will happen if those intent on achieving it can access any number of modalities that will enable its achievement. The law-abiding people of Maryland are justly entitled to keep and bear firearms in and outside their homes for self-defense, and they are entitled to do so with having immediate access for the purpose of self-defense. The criminals that are engaged in assaults and murders with firearms will continue to behave violently, and the only thing this bill will do is prevent law abiding people from protecting themselves and their families from violent criminals. This Law, sadly, will have no impact on suicide rates in Maryland.

The Law violates the Maryland Declaration of Rights because it subverts the right to self-defense under a “plea of necessity”. The Law is illegal because it flies in the face of prohibitions against suspending constitutional provisions, rights and laws, including self-defense. Not only is the Law illegal, it subverts the Good Government of Maryland because should it be adopted, the Government and State will “...tend towards anarchy and despotism.”

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Further, the Supreme Court has said that “...interest balancing...is not deference that the Constitution demands...” when considering legislation and regulations regarding the 2nd Amendment. In fact, the Court has said the 2nd Amendment “is the very product of an interest balancing by the people.”

Maryland’s Declaration of Rights expressly prevents departure from the Declaration and the Constitution “under the plea of necessity”, which is the same thing as “interest balancing.” It is a violation of the Declaration and the Constitution for the Legislature to do this.

The Committee MUST heed the wise words and sentiments of the Article 44 of the Maryland Declaration of Rights. Not only does the Law EXPLICITLY violate this Article, it also imperils the Free State because the Law’s passing may lead to anarchy and despotism.

Maryland Declaration of Rights, Article 46

Article 46 of the Maryland Declaration of Rights states “*Equality of rights under the law shall not be abridged or denied because of sex*” (added by Chapter 366, Acts of 1972, ratified Nov. 7, 1972. Amended by Chapter 681, Acts of 1977, ratified Nov. 7, 1978). The proposed Law exposes women to the depredations of violent criminals, most of whom are larger, stronger, faster and more violent men. When women are victims of criminal violence, in the vast majority of cases the women are already at a physical disadvantage. Women are likely to be slower to react than their assailants, and weaker. Not only are women disadvantaged, but they also exclusively suffer the consequences of rape and its horrific aftermath. This proposed Law nearly explicitly punishes women because women are vulnerable to violence inside and outside the home. The proposed Law makes an all-too-frequently predatory and dangerous world significantly more dangerous to women, whom with the passage of this legislation will be largely defenseless against violent rapists, murderers and felons.

ON THIS BASIS ALONE THE PROPOSED LAW SHOULD BE STOPPED IN COMMITTEE. For too long the daughters, mothers, wives, sisters, cousins and friends of Maryland have been subject to violent, criminal acts, rapes and murders without sufficient means for them to defend themselves. This legislation will further the victimization of women **and I IMPLORE you to stop this legislation from becoming law at your earliest opportunity.**

Maryland Declaration of Rights, Article 6

The last explicit reference to the Free State’s Declaration of Rights can be found in Article 6 of that August instrument. The Article reads “*That **all persons invested with the Legislative or Executive powers of Government are the Trustees of the Public, and, as such, accountable for their conduct: Wherefore, whenever the ends of Government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the People may, and of right ought, to reform the old, or establish a new Government; the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.***”

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Our forebearers were wise to include these words in their legacy. It is patently obvious from the language of HB 307 is in clear violation of the Maryland Declaration of Rights, as well as the US Constitution Bill of Rights. The proposed Law contravenes and subverts the 2nd and other amendments to the US Bill of Rights. It equally and dramatically contravenes and subverts the Maryland Declaration of Rights, in particular the Articles referenced above. Due to the proposed Law's subversion of the Maryland Declaration of Rights and the US Bill of Rights, the Law creates several problems for the legislature.

US Supreme Court Decision No. 20-843

**NEW YORK STATE RIFLE AND PISTOL ASSOCIATION V BRUEN, SUPERINTENDENT OF NEW YORK STATE
POLICE**

The Committee will doubtless receive ample information about this and other Supreme Court cases. I am not an attorney or expert in Supreme Court jurisprudence. However, I must also testify that the proposed Law violates this and other decisions in more than a few ways.

1. The Law is being considered due to an "interest balancing" by the State. As mentioned, this violates Article 44 of the Maryland Declaration of Rights, which states *"That the provisions of the Constitution of the United States, and of this State, apply, as well in time of war, as in time of peace; and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good Government, and tends to anarchy and despotism."* The Bruen decision echoes this when it quotes the Supreme Court's Heller decision saying, *"...interest balancing...is not the deference that the Constitution demands here. The Second Amendment is the very product of an interest balancing by the people,"* and it *"surely elevates above all other interests the right of law-abiding, responsible citizens to use arms for self-defense."* The Maryland General Assembly will break the law in passing this proposed Law because it is a product of interest balancing.
2. The Bruen decision also relies upon the Heller decision when it says *"...the Second Amendment guarantees an "individual right to possess and carry weapons in case of confrontation."* The Law violates the right to have immediate access to weapons in case of confrontation inside and outside the home because the Law will make it illegal to carry a firearm for self-defense in nearly all the state. The right to self-defense will be gutted by the Law.
3. It again quotes Heller in saying that *"Constitutional rights are enshrined with the scope they were understood to have when the people adopted them."* This requires that any law which implicates the 2nd amendment must have an analog that matches the understanding of the right to self-defense as it was understood during the founding of the US. The only regulatory analogs to this Law are those that are found in the early 20th century. There are no historical analogs from the era of the founding of the country.
4. The Court also said in Bruen, quoting another case (McDonald), that *"The constitutional right to bear arms...is not "a second class right, subject to an entirely different body of rules than other Bill of Rights guarantees."* This proposed Law treats the right to keep and bear arms as a second

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5. class right. No other constitutional rights suffer the burdens that the State of Maryland is considering applying here.
6. The Bruen decision also states, *“Throughout modern Anglo-American history, the right to keep and bear arms in public has traditionally been subject to well-defined restrictions governing the intent for which one could carry arms, the manner of carry, or the exceptional circumstances under which one could not carry arms.”* The proposed Law obliterates the right to have a gun immediately available for self-defense in the home. In fact, the Law would eviscerate the right to have a firearm available for self-defense because it would make it a practical impossibility to have one at the ready at any time. This far exceeds the traditional understanding of the right as required by the Bruen decision.
7. This violates the Bruen decision case law because under Bruen there must be a historical analog to this legislation regarding the storage of weapons for self-defense. This regulation’s analogs are from the 20th century.
8. The Bruen decision clearly requires the Maryland General Assembly to identify an American tradition justifying the State’s prohibitions of firearm readiness. The traditions upon which this proposed Law rely date from the 19th and 20th centuries. Because the State has no such historical analog to support the proposed Law, it is illegal and it should not be passed.
9. A Bruen decision concurrence also says that “...the Second Amendment protects the right of law-abiding people to carry a gun...for self-defense...”; and that any law “...which makes that virtually impossible...is unconstitutional.” The proposed Law makes it virtually impossible for a law-abiding person to have a firearm immediately available for self-defense inside or outside the home. It is unconstitutional.

Additional Reasons for Opposition

Judicial Proceedings and Cost: First, the proposed Law will be illegal. Upon its passing, legal action will be taken against the state. It is a near certainty that the legal actions will result in restraining orders against the illegal Law. Further, it is near certain that the Law will be struck down completely and in full. No doubt the State will attempt to argue for the soundness of the Law and its legality, but given its constitutional infirmities relative to the Maryland Declaration of Rights and the US Constitution, the State will not prevail. What will happen is the State will instead expend millions of dollars of direct cost, and countless hours of staff and attorney time trying to defend an indefensible law. It would be far more effective to address the problems this regulation attempts to solve through constitutional means. For example, it would be better for the state to expend resources on public communications and/or health campaigns that would address the causes of suicides in Maryland. As noted above, the passage of the Law will not result in a reduction in homicides, shootings or suicides.

Social Fabric: This law will victimize people that wish to exert their right to self-defense inside and outside the home. These people will observe that the right to self-defense remains a disfavored right in Maryland. They will resent being treated as second class citizens, and they will be right to do so. This legislation will damage our social fabric and we should not allow that to happen.

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Governmental Distrust: The authors of Maryland’s Declaration of Rights were clear. Legislators are the “Trustees of the Public.” Adoption of the Law will alienate a large percentage of the Public, and it will only demonstrate to the Public that the Government does not trust the people, even those who are the most reliably law abiding. This Law will NOT contribute to the solution to suicides; and it will only engender distrust and alienation between the Government and the People. The Government and People will both lose if the bill is adopted.

Capricious Governance: It appears that this this legislation is in response to US Supreme Court decisions regarding the purpose, scope and necessity of the 2nd Amendment. As demonstrated above, the Law violates the rights of Maryland residents and US citizens. The recent Supreme Court decision (NYSRPA vs Bruen) correctly guides legislators and the judiciary as to how the 2nd Amendment to the US Constitution should be interpreted. The Court’s guidance is clear and simple. **Whether the sponsors agree with the decision or not, the Bruen decision is the law of the land.** The proposed law is abundantly and clearly in contravention of this decision, and as such it directly disobeys the law of the land in its multitude of constitutional violations.

With respect to this proposed Law Section 2 (a), I would be happy to engage with the Deputy Secretary for Public Health Services to establish and participate in a stakeholder advisory committee to make recommendations regarding the development of the youth suicide prevention and firearm safe storage guide under 13-39A-01of the Health – General Article (but not as part of this proposed Law). My personal experience from my sibling’s suicide and my personal knowledge of firearm laws and requirements may add value to any such discussions.

Injuries and Deaths to Innocent Victims of Crime: Lastly, and most importantly, the State of Maryland and the United States are based on civil right and freedoms. The proposed Law subverts the right to self-defense inside and outside the home. It will surely result in innocent victims of violent crime being killed, raped, wounded or injured. The Law strips away the right to self-defense for the most vulnerable people in our society (women) and it disenfranchises the poorest of us, who are the people that are most at risk for being victims of criminal violence. This Law cannot stand because the people that are most at risk for the occurrence and impact of criminal violence, are the people that are most likely to want to exercise their right to self-defense at home and in public. This proposed Law will restrict these people from legal self-defense.

Please vote unfavorably on HB 307. It is illegal. It will NOT solve the problem of suicides in Maryland. It subverts and eviscerates our civil rights, the Maryland Declaration of Rights and the US Constitution. It will contribute to corruption of government and the alienation of the People from Maryland’s elected Trustees. It will further damage the fabric of our society. And it will leave the most vulnerable people among us, especially women, exposed to criminal violence. PLEASE DO NOT PASS THIS LEGISLATION. Thank you for your consideration.

Frank Clary

13 February 2023

2020 Maryland State Suicide Prevention Plan.pdf

Uploaded by: John Josselyn

Position: UNF

Maryland's State Suicide Prevention Plan 2020

Governor's Commission on Suicide Prevention



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Section I: Background

Executive Summary

Pursuant to Executive Order 01.01.2018.26D, the Governor's Commission on Suicide Prevention is required to submit a state plan on suicide prevention, biennially, to the Governor.

Suicide is a significant public health problem in the United States and Maryland. In 2018, 650 Marylanders died by suicide (10.15 per 100,000), a 2.9% increase from the suicide rate in 2017. Overall, suicide was the 11th leading cause of death in Maryland. This 2020 Suicide Prevention Plan of the Governor's Commission on Suicide Prevention presents an update of current data and information on resources and initiatives taking place in Maryland. Additionally, the following four goals, with corresponding objectives, are offered to guide suicide prevention efforts in the State:

Goal 1: Integrate and coordinate suicide prevention activities across multiple sectors and settings.

Goal 2: Develop, implement, and monitor effective programs that promote wellness and prevent suicide and related behaviors.

Goal 3: Promote suicide prevention as a core component of health care services. Promote the adoption of "zero suicides" as an aspirational goal by health care and community support systems that provide services and support to defined patient populations.

Goal 4: Increase the timeliness and usefulness of surveillance systems relevant to suicide prevention and improve the ability to collect, analyze, and use this information for action.

Background on the Governor's Commission

On October 7, 2009, Governor Martin O'Malley issued Executive Order 01.01.2009.13, establishing the Governor's Commission on Suicide Prevention (Commission). On October 11, 2018, the Executive Order was amended by Governor Larry Hogan via Executive Order 01.01.2018.26. The amendments were established to help align the Commission's membership and objectives with current trends. The Commission's amended objectives are to:

- 1) Assess suicide's economic and social costs, and impact on the health and well-being of Maryland citizens;
- 2) Establish a list of existing support systems for survivors, attempters, and their families;
- 3) Develop a comprehensive, coordinated, and strategic plan for suicide prevention, intervention, and post-suicide services across the State;
- 4) Identify the resources needed to adequately provide those services; and
- 5) Promote the delivery of those services by local and state agencies through collaborative efforts that ensure effective and efficient use of local and state resources.

Objective 3.3: Provide care and support to individuals affected by suicide deaths and attempts to promote healing and implement community strategies to help prevent further suicides.

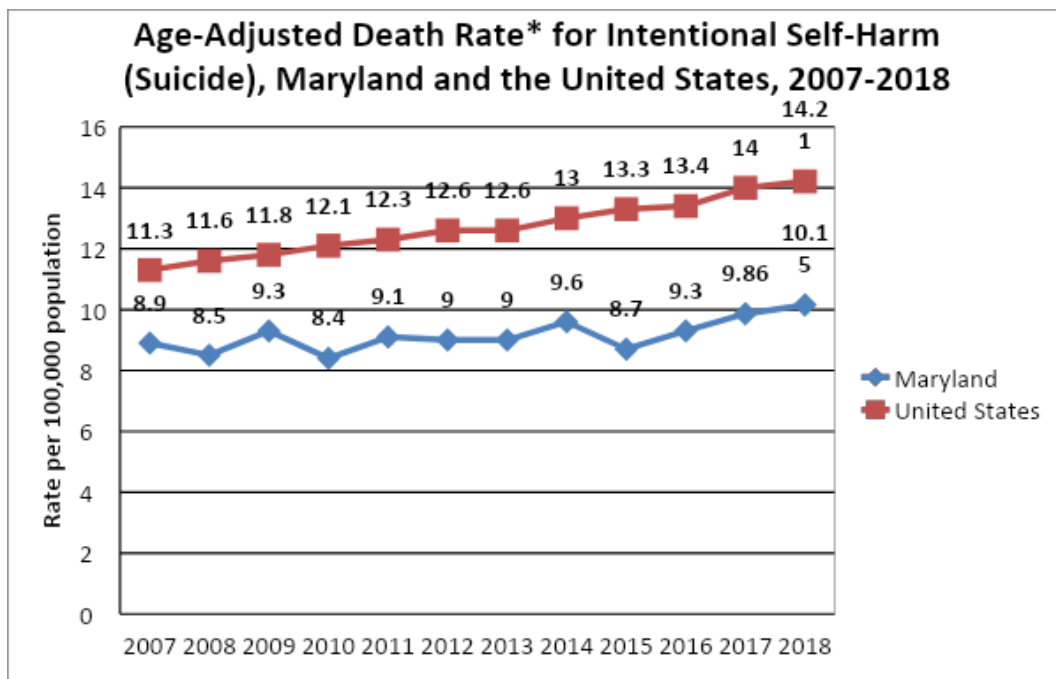
- a) Develop listing for effective comprehensive support programs for individuals bereaved by suicide.
- b) Provide appropriate clinical care to individuals affected by a suicide attempt or bereaved by suicide, including trauma treatment and care for complicated grief.
- c) Add a seat to the Governor's Commission on Suicide Prevention to represent the American

Indian/Alaskan Native community, LGBTQ community, and a suicide attempt survivor.

As of the 2018 amendment, the Commission is charged to submit a two-year plan to the Governor that establishes—for the organization, delivery, and funding of suicide prevention, intervention and post-suicide services—the (1) emerging needs, (2) priorities and strategies, (3) promising practices and programs, (4) recommendations for coordination and collaboration among State agencies, and (5) training. The plan shall be developed in consideration of the priorities and strategies in plans established by local jurisdictions. Under Executive Order 01.01.2009.13, the Commission submitted its initial plan to the Governor in 2012 and subsequent plans in 2016 and 2018.

Impact of Suicide in Maryland

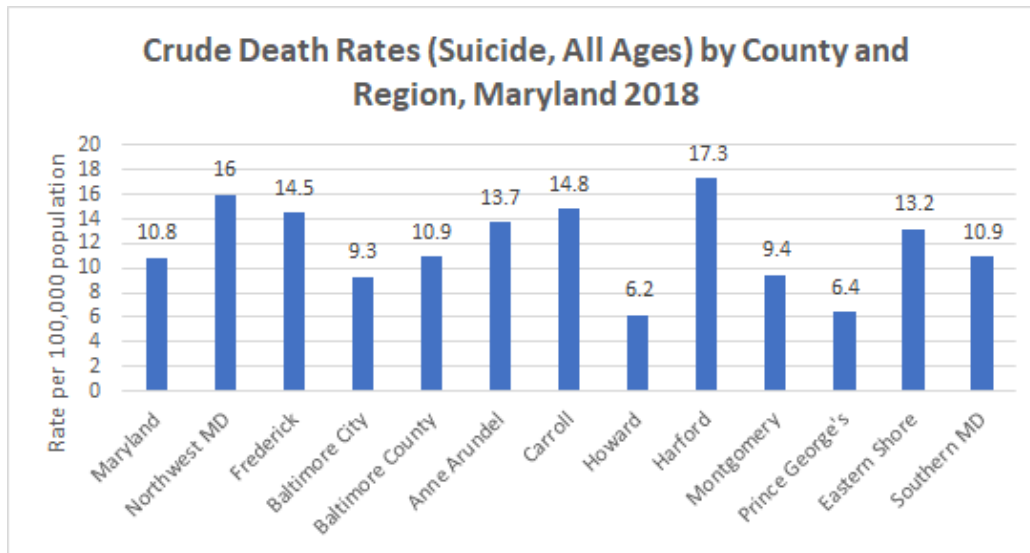
Though Maryland currently has the fifth lowest suicide rate in the country, the suicide rate has been steadily increasing since 2015. In 2018, 650 Marylanders died by suicide equating to an age-adjusted rate of 10.15 suicide deaths per 100,000. For men, the age-adjusted rate was 15.93 per 100,000 and for women, the age-adjusted rate was 4.92 per 100,000. The age ranges with the highest age adjusted rates was 85 and older (18.58 per 100,000) followed by 80-84 years old (17.24 per 100,000), 20-24 years old (15.93 per 100,000) and 60-64 years old (15.77 per 100,000). Maryland 2018 data shows the age-adjusted suicide rate by for White people was 13.25 and for Black people, 5.08. In 2018, suicides in Maryland accounted for 12,299 years of potential life lost.



Source: CDC WISQARS

However, to fully understand the suicide rate in Maryland it is important to take into account the high number of deaths of undetermined manner. In 2018, the states with the highest age-adjusted drug overdose death rates were West Virginia (51.5 per 100,000 standard population), Delaware (43.8/100,000), and Maryland (37.2/100,000). On March 1, 2017, Governor Larry Hogan signed Executive Order 01.01. 2017.02 declaring a State of Emergency in response to the heroin, opioid, and fentanyl crisis in Maryland. Maryland, in comparison to other states, has a significantly higher rate of

undetermined overdose deaths; in fact Maryland has the highest proportion of opioid deaths that are classified by the medical examiner as undetermined manner.¹ However, epidemiologists have shown that a significant proportion of undetermined overdose deaths are likely intentional suicides.^{2,3,4} Thus, of 1,683 undetermined overdose deaths in Maryland in 2018, approximately 546 of the overdoses are likely to have been suicides. This would change the suicide rate in Maryland from ~10 to ~18 per 100,000. This revised rate would place Maryland at 21st highest rate, after Arkansas and before Kentucky. The disproportionate number of undetermined overdose deaths in Maryland likely accounts for a grossly underestimated state suicide rate. Rural counties in Western Maryland and the Eastern Shore tend to have higher suicide rates as compared to more urban areas in the state (e.g., Kent (14.7/100,000), Cecil (14.4/100,000), Allegany (13.0/100,000), Dorchester (12.5/100,000), Garrett (12.5/100,000), and Queen Anne's (12.3/100,000) Counties).



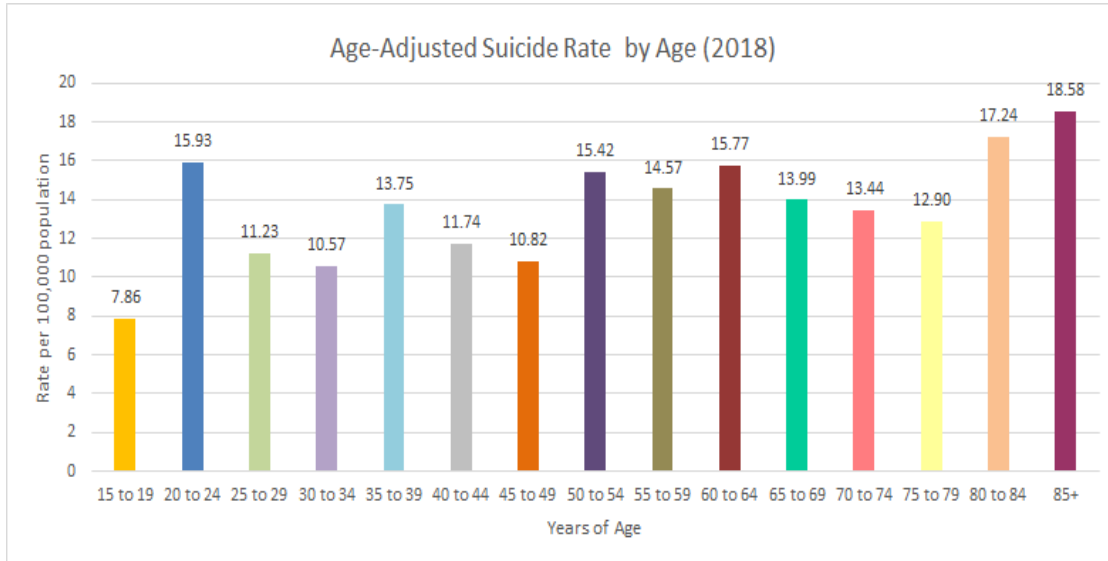
Source: Vital Statistics Annual Report 2018

¹ Rockett IR, Hobbs GR, Wu D, et al. Variable Classification of Drug-Intoxication Suicides across US States: A Partial Artifact of Forensics? [published correction appears in *PLoS One*. 2015;10(9):e0137933]. *PLoS One*. 2015;10(8):e0135296. Published 2015 Aug 21. doi:10.1371/journal.pone.0135296.

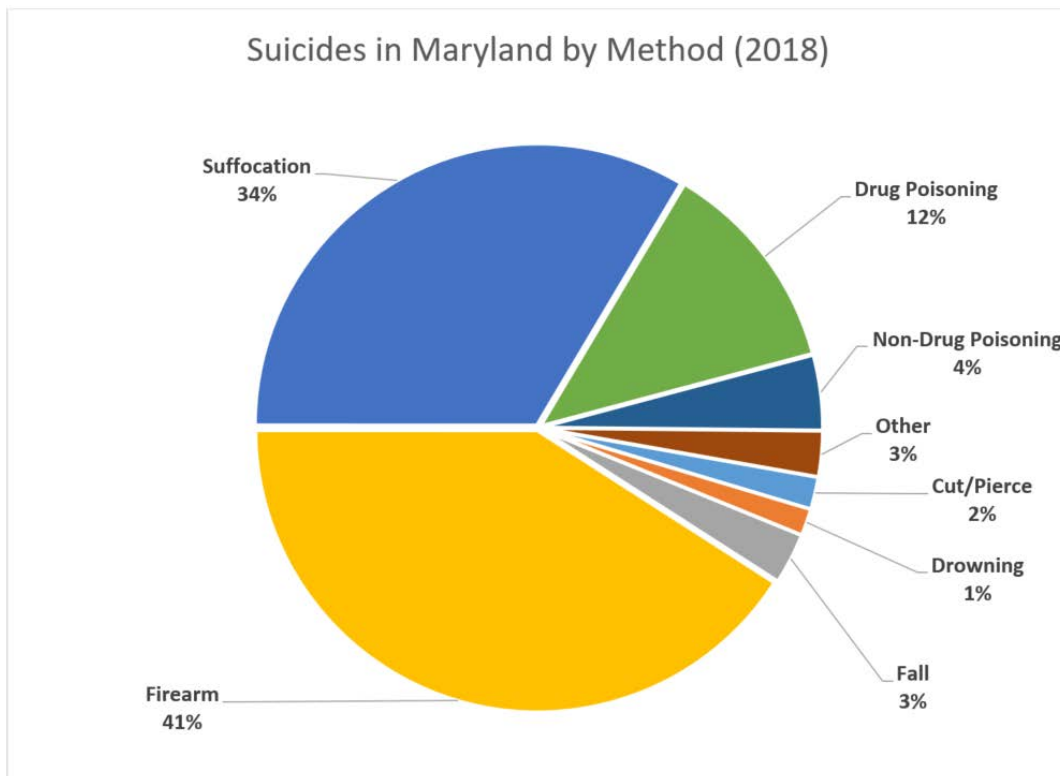
² Nestadt PS, Bohnert, ASB. (2020). Clinical Perspective on Opioids in the Context of Suicide Risk. *FOCUS*. 18. 100-105. doi:10.1176/appi.focus.20200003.

³ Liu D, Yu M, Duncan J, et al. Discovering the Unclassified Suicide Cases Among Undetermined Drug Overdose Deaths Using Machine Learning Techniques. *Suicide Life-Threat. Behav.* 50(2). 333-344. doi:10.1111/sltb.12591.

⁴ Rockett IRH, Caine ED, Connery HS, et al. Mortality in the United States from self-injury surpasses diabetes: a prevention imperative. *Injury Prevention*. 2019;25:331-333.



Source: CDC WISQARS



Source: CDC WISQARS

Circumstances of Suicide Death Data

The Maryland Violent Death Reporting System (MVDRS) is a subsidiary of the National Violent Death Reporting System (NVDRS). According to the Maryland Violent Deaths Reporting System (MVDRS), which collects facts from death certificates, coroner/medical examiner reports, law enforcement reports and

toxicology reports into an anonymous database. Maryland has a statewide, protocolized medical examiner system, which ensures high quality suicide death data. As mentioned above, as compared to other states, Maryland has a high rate of cases that are ruled “Undetermined,” as the Office of the Chief Medical Examiner (OCME) observes a stringent definition of suicide and intent. Circumstance data is limited to information documented in the law enforcement and/or medical examiner files. Information on mental health and substance abuse history comes solely from these sources and not medical records or other treatment records. From 2017 MVDRS, there were 641 suicide deaths in the state of Maryland. From 2016 to 2017 there was a 9% increase in the total number of suicide deaths in the state, which accounts for an additional 53 lives lost to suicide. In 2017, 110 (17.4%) of the suicide decedents in Maryland had ever served in the military.

In 2017, 42.1% of suicide decedents had a mental health problem and 19.5% had a reported depressed mood at time of death. Despite these significant mental health concerns, only 14.7% of individuals had documentation of currently receiving treatment for mental health or substance use at time of death. Of concern is that while the number of suicide deaths in the state increased, the number of suicide decedents who had received some form of mental health treatment appears to have decreased. In 2016, 251 (42.7%) suicide decedents had documentation of receiving some form of mental health treatment in their lifetime, while in 2017 only 198 (30.9%) of suicide decedents had documentation of receiving some form of mental health treatment in their lifetime; this makes for an 11.8% decrease in the number of suicide decedents who had documentation of receiving mental health care.

2018 Youth Risk Behavior Surveillance Survey (YRBSS) Data

The results of the 2018 Youth Risk Behavior Surveillance Survey (YRBSS) data highlight the recent trends in suicidal thoughts and behaviors among middle and high school students in Maryland public schools. The YRBSS monitors six categories of health-related behaviors that contribute to the leading causes of death and disability among youth and adults. There are limitations of the current YRBSS survey data. Data is not collected from alternative school students, drop-outs or home-schooled students. The survey is only administered in English, which limits the accuracy of data from non-English speaking students.

Middle School YRBSS 2018 Results

In Maryland middle schools, 22.9% of students reported seriously thinking about killing themselves, a significant increase since 2013 (17.6%). In 2018, female middle school students were more likely to report seriously thinking about killing themselves (27.8%) than males (18%). Black (27.8%), Hispanic (26%), and multiracial (27.7%) students had the highest reports of suicidal ideation. 14.3% of middle school students reported ever making a plan about how they would kill themselves (10.8% of males; 17.8% of females). 8.8% of students reported making a suicide attempt (6.8% of males and 10.9% of females). Hispanic/Latino students and multiracial students had the highest proportions of suicide attempts with 12.2% of Hispanic/Latino and multiracial students reporting a prior suicide attempt. For all three survey questions, 8th grade students had higher reported rates than 6th and 7th grade students.

High School YRBSS 2018 Results

18% of Maryland high school students reported they had seriously considered attempting suicide in the past 12 months (13% of males; 22.7% of females). The highest rates of students that seriously

considered attempting suicide was in 10th and 11th grades (18.1%) and lowest in 9th grade (17.4%). 16.2% of high school students reported they had made a plan about how they would attempt suicide in the past 12 months (12.8% of males; 19.2% of females). Multiracial students had the highest rates for reporting they had considered attempting suicide in the past 12 months (25.6%) and for making a plan for attempting suicide in the past 12 months (22.1%). The Maryland High School Youth Risk Behavior Survey does not include a question about prior suicide attempts.

Groups with Increased Suicide Risk

The following is a list of some of the groups that have been identified as being at higher risk for suicide than the general population. The complexity of suicide, the range of interacting risk and protective factors that impact different groups in different ways, and a growing body of research mean that our understanding of vulnerable populations and how to reduce their risk continues to evolve.

Suicide Attempt Survivors

Although nine out of ten people who attempt suicide will not go on to die by suicide at a later date, a history of suicide attempts is a strong risk factor for suicide. A review of 90 studies showed that 23% of people who made attempts serious enough to receive medical care will attempt suicide again and survive, 70% do not attempt suicide again, and 7% die by suicide.⁵ WISQARS 2018 national data reports an estimated age-adjusted rate of 158.16 per 100,000 nonfatal self-harm injuries. The 2017 MVDRS data reports that 14.6% of individuals that died by suicide had a history of suicide attempts.

Suicide Loss Survivors

Research suggests that each death by suicide impacts at least 147 people and of those affected, more than six experience a major life disruption as a result of the suicide loss.⁶ Based on these estimates, there are more than 5.2 million survivors of suicide loss (or 1 in 62 Americans) living in the United States. Having lost someone to suicide is a documented risk factor for future suicide attempts or suicide. In 2018 an estimated 95,550 individuals became suicide loss survivors in Maryland, as a result of 650 individuals dying by suicide.

LGBTQ Youth

The results from the National Survey on LGBTQ Youth Mental Health 2020 by the Trevor Project show 48% of LGBTQ youth engaged in self-harm in the past 12 months, and that rate rises to over 60% for transgender and non-binary youth. The 2017 Youth Risk Behavior Survey Summary and Trends report show that significantly higher percentages of lesbian, gay, or bisexual students (63.0%) and students not sure of their sexual identity (46.4%) experienced persistent feelings of sadness or hopelessness than heterosexual students (27.5%). Also the survey found significantly higher percentages of lesbian, gay, or bisexual students (23.0%) and students not sure of their sexual identity (14.3%) attempted suicide than

⁵ Owens D, Horrocks J, and House A. Fatal and non-fatal repetition of self-harm: systematic review. *British Journal of Psychiatry*. 2002;181:193-199.

⁶ Drapeau and McIntosh. *American Association of Suicidology*, Suicide Data Page (2016).

heterosexual students (5.4%).⁷ This means that lesbian, gay and bisexual youth are 4x more likely to attempt suicide than straight youth. In Maryland, the Youth Risk Behavior Survey found 61% of lesbian, gay or bisexual students reported to feelings of sadness or hopelessness compared to 27.2% of heterosexual students. It also found that there were significantly higher percentages of lesbian, gay or bisexual students (36.1%) that ever seriously considered attempting suicide versus heterosexual students (12.8%).⁸ The 2015 US Transgender Survey for transgender adults (18 and older) found that 40% of respondents had attempted suicide in their lifetime—nearly nine times the attempted suicide rate in the U.S. population (4.6%).⁹

Individuals with Disabilities and Behavioral Health Conditions

Behavioral health conditions including mental illness and substance use disorders are well-documented risk factors for suicide. Of those who died by suicide with a known mental health condition, 75% had a diagnosis of depression.¹⁰ Individuals with alcohol dependence and persons who use drugs have a 10–14 times greater risk of death by suicide than the general population and approximately 22% of deaths by suicide have involved alcohol intoxication.¹¹ 2017 MVDRS data reports that 42.1% of individuals that died by suicide had a mental health problem, 14.2% had an alcohol dependence or problem and 13.5% had a (other) substance abuse problem.

American Indian/Alaska Native Individuals

American Indian/Alaska Natives (AI/AN) have the highest suicide rates of any racial or ethnic group in the United States. The suicide rate for AI/AN people in 2018—22.1 per 100,000—was higher than the overall U.S. suicide rate of 14.2 per 100,000.¹² Although suicides peak in midlife within the overall U.S. population, they peak during adolescence and young adulthood among AI/AN populations.¹³ According to the CDC in 2017 the age-adjusted death rates for suicide, by sex, for American Indians/Alaska Natives was 33.8 for males, and 11.0 for females.¹⁴ According to the 2010 census there are 59,795 individuals in Maryland identifying as AI/AN. From information provided by Native Lifelines, a Title V Urban Indian Health Program operating in Baltimore, MD, AI/AN populations particularly concentrated in Charles, St. Mary's, Montgomery, Howard, Baltimore, Harford, Frederick and Washington counties. Despite having a substantial population that is increasingly vulnerable to factors contributing to suicide, the population is

⁷ National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention- Division of Adolescent and School Health, Youth Risk Behavior Survey Data Summary and Trends Report (2001-2017). Center for Disease Control. online at <https://www.cdc.gov/healthyyouth/data/yrbs/pdf/trendsreport.pdf>.

⁸ Centers for Disease Control and Prevention. [2018] Youth Risk Behavior Survey Data. Available at: <https://phpa.health.maryland.gov/ccdpc/Reports/Pages/YRBS2018.aspx> Accessed on [5/13/2020].

⁹ James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). Executive Summary of the Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality.

¹⁰ Stone, Simon, Fowler, et al., Vital Signs: Trends in State Suicide Rates—United States, 1999–2016 and Circumstances Contributing to Suicide—27 States, *MMWR Morb. Mortal Wkly Rep.*, 67:617–624 (2018), online at <http://dx.doi.org/10.15585/mmwr.mm6722a1>.

¹¹ Wilcox HC, Conner KR, Caine ED, et al.: Association of alcohol and drug use disorders and completed suicide: an empirical review of cohort studies. *Drug Alcohol Depend* 2004; 76:S11–S19 Crossref, Google Scholar.

¹² CDC, 2020. National Center for Health Statistics. 1999–2018 Wide Ranging Online Data for Epidemiological Research (WONDER), Multiple Cause of Death files. Retrieved by the Suicide Prevention Resource Center from <http://wonder.cdc.gov/ucd-icd10.html>.

¹³ Wexler L, Chandler M, Gone JP, et al. Advancing suicide prevention research with rural American Indian and Alaska Native populations. *Am J Public Health*. 2015;105(5):891-899. doi:10.2105/AJPH.2014.302517

¹⁴ CDC, 2019. National Vital Statistics Report. Vol. 68, No. 09. Table 10. https://www.cdc.gov/nchs/data/nvsr/nvsr68/nvsr68_09.pdf.

often overlooked. This manifests with increased rates of suicide and self-harm. In 2014, self-intended harm was the fifth leading cause of death amongst American Indians living in Maryland according to a study from the Urban Indian Health Institute. One factor affecting and limiting the analysis of data are errors in racial misclassification, particularly for demographic and mortality data. Racial misclassification is defined as incorrect coding of an individual's race or ethnicity in public records. This can greatly underestimate the true rate of disease, risk factor, or outcome. AI/ANs are especially likely to experience problems of incorrect classification on death certificates; therefore, true mortality rates among AI/ANs are assumed to be higher than reported numbers suggest.

Older Adult Males

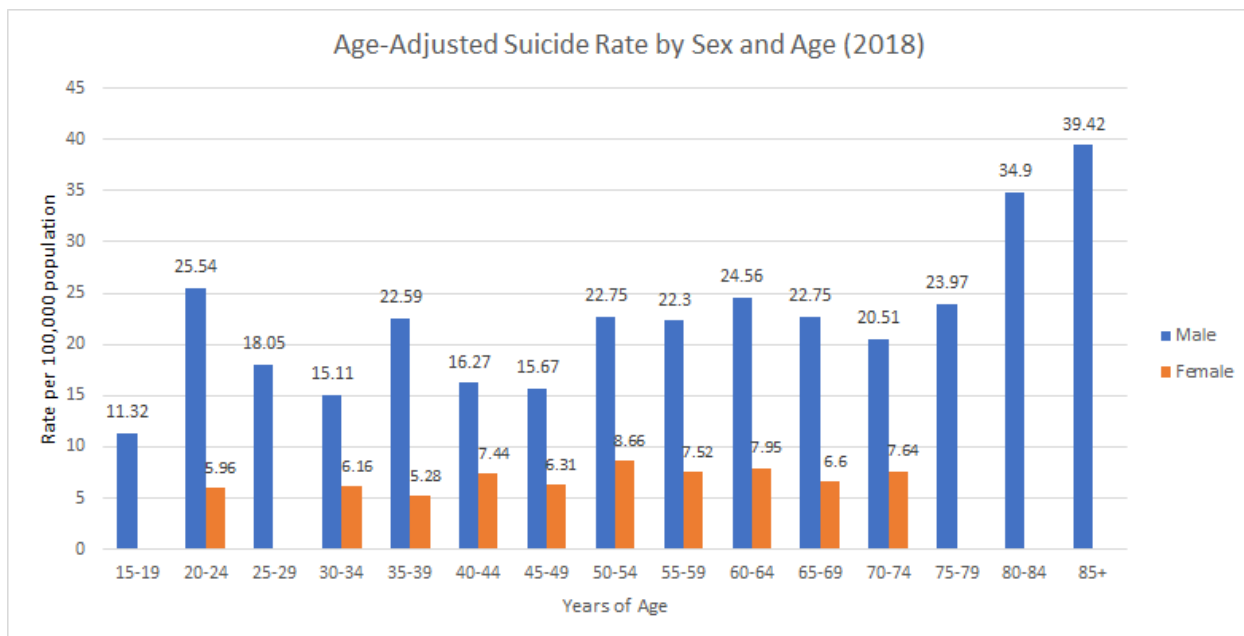
Nationally and in Maryland, the suicide rate among men aged 85 and older is higher than for any other single group (47.17 and 18.58, respectively).¹⁵ Reasons for this include: older adults plan more carefully and use more deadly methods, such as firearms; older adults are less likely to be discovered and rescued; physical frailty means older adults are less likely to recover from an attempt.¹⁶ National crude rates (per 100,000) of suicide by sex and age in 2018, show that for individuals 65 to 74 the male rate was 27.8 while the female rate was 6.2.¹⁷ In Maryland older adult males (85 and over) have the highest rates of suicide at 39.42, followed by males 80 to 84 years old at 34.9. There are many factors contributing to suicide risk in older adults, including mental and physical health conditions, overall functioning, and social factors including lack of social connectedness, bereavement, and financial problems.¹⁸ 2017 MVDRS data shows that in individuals 65 and over circumstances involving a physical health problem were reported in 40% of suicide deaths.

¹⁵ Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Web-based Injury Statistics Query and Reporting System (WISQARS) [online]. (2005-2018) [cited 2020 Oct]. Available from URL: www.cdc.gov/injury/wisqars

¹⁶ Conwell Y, Van Orden K, Caine ED. Suicide in older adults. *Psychiatr Clin North Am*. 2011;34(2):451-ix. doi:10.1016/j.psc.2011.02.002

¹⁷ Centers for Disease Control and Prevention, National Center for Health Statistics. NCHS Data Brief Number 362 (2020). Available from URL: <https://www.cdc.gov/nchs/data/databriefs/db362-h.pdf>

¹⁸ Conwell, Van Orden, & Caine, Suicide in Older Adults, *The Psychiatric Clinics of North America*, 34(2), 451–468 (2011), online at <http://doi.org/10.1016/j.psc.2011.02.002>.



Source: CDC WISQARS

Individuals in the Justice and Child Welfare Systems

Incarcerated individuals and those who are affected by the criminal justice system have elevated risks of suicide. According to 2017 MVDRS data, 6% of individuals who died by suicide had a reported recent criminal legal problem. Children in the juvenile justice and child welfare systems and adults in the justice system often have a number of adverse childhood experiences that can contribute to an increased risk of suicide. Mental health disorders, substance abuse, impulsivity, abuse, loss, and legal problems are closely associated with increased suicide risk and are prevalent in these groups. In Maryland in 2017, there were 7,578 children that were victims of abuse or neglect which is an increase of 8.4% from 2016. There were a total of 3,923 children in out-of-home care.¹⁹

Those who engage in non-suicidal self-injury (NSSI)

Non-suicidal self-injury refers to the intentional destruction of one's own body tissue without suicidal intent and for purposes not socially-sanctioned. Examples include: cutting, piercing, burning, scratching, and hitting. Non-suicidal self-injury may be a unique risk factor for suicide because its presence is associated with both increased desire and capability for suicide. Though there are a variety of ways to self-injure, riskier self-injury methods can be associated with accidental death. NSSI is stigmatized, so self-injury typically occurs in private and is kept secret. Research has found that it is most common among adolescents and young adults. A study conducted in a college setting found a lifetime prevalence rate of having 1 or more self-injurious incidents was 17%, with 75% of those students engaging in self-injurious behavior more than once.²⁰ This study also found that individuals with repeat NSSI behavior were more likely to report a history of emotional or sexual abuse, ever having considered or attempted

¹⁹ Child Welfare League of America, *Maryland's Children at a Glance* (2019). Online at <https://www.cwla.org/wp-content/uploads/2019/04/Maryland-2019.pdf>.

²⁰ Whitlock, J., Eckenrode, J. and Silverman, D. Self-Injurious Behaviors in a College Population. *Pediatrics*. June, 2006, 117 (6) 1939-1948; DOI: 10.1542/peds.2005-2543.

suicide, and increased levels of psychological distress. Research into the connection between NSSI and attempted suicide has found evidence that NSSI is a strong predictor of future suicide attempts, even stronger than a history of past suicide attempts.^{21,22}

Military Members, Veterans, and their Families

Between 2015 and 2017, there were an average of 103 annual deaths by suicide among Maryland residents who had served in the Armed Forces. Deaths by suicide among those who had served in the Armed Forces represented 17.5% of all suicides among Maryland residents during this three year period. In 2017, 96% of suicide deaths among Maryland residents who had served in the Armed Forces were men.²³ From 2017 MVDRS data, the individuals that died by suicide and had ever served in the Armed Forces 36% had a reported mental health problem, 14% had a reported alcohol dependence/problem, 17% a recent problem with current/ or former intimate partner, and 25% a physical health problem.

People Who Work in Certain Industries and Occupations

In January 2020, CDC published its analysis of suicide data by industry and occupation among working-age decedents employed at the time of death from the 32 states participating in the 2016 National Violent Death Reporting System (NVDRS).²⁴ Using U.S. Census codes, they found the following industries and occupations to be at significantly higher risk when compared with the overall study population. Suicide rates were significantly higher in five industry groups: 1) Mining, quarrying, and oil and gas extraction (for males); 2) Construction (males); 3) Other services (e.g., automotive repair) (males); 4) Agriculture, forestry, fishing, and hunting (males); and 5) Transportation and warehousing (males and females). They were also higher in the following six major occupational groups: 1) Construction and extraction (males and females); 2) Installation, maintenance, and repair (males); 3) Arts, design, entertainment, sports, and media (males); 4) Transportation and material moving (males and females); 5) Protective Service (females); and 6) Healthcare support (females). They cite research indicating that suicide risk is associated with “low-skilled work, lower education, lower absolute and relative socioeconomic status, work-related access to lethal means, and job stress, including poor supervisory and colleague support, low job control, and job insecurity.”

Section II: Evolving and Emerging Trends

Suicide Among Black Youth

In 2019, the Congressional Black Caucus’s Emergency Task Force on Black Youth Suicide and Mental Health studied a disturbing trend reported in the literature: that although the suicide rates among children ages 5–19 remained stable across the country over two decades, the rate for Black youth—

²¹ Wilkinson P, Kelvin R, Roberts C, et al. Clinical and psychosocial predictors of suicide attempts and nonsuicidal self-injury in the Adolescent Depression Antidepressants and Psychotherapy Trial (ADAPT). *Am J Psychiatry*. 2011;168(5):495–501.

²² Guan K, Fox KR, Prinstein MJ. Nonsuicidal self-injury as a time-invariant predictor of adolescent suicide ideation and attempts in a diverse community sample. *J Consult Clin Psychol*. 2012;80(5):842–849

²³ Maryland Department of Health. Veteran and Armed Forces Member Suicides in Maryland Annual Report. (2018), online at https://health.maryland.gov/suicideprevention/Documents/Veteran%20and%20Armed%20Forces%20Member%20Suicides%20in%20Maryland_Annual_Report_2018.pdf

²⁴ Peterson C, Sussell A, Li J, Schumacher PK, Yeoman K, Stone DM. Suicide Rates by Industry and Occupation — National Violent Death Reporting System, 32 States, 2016. *MMWR Morb Mortal Wkly Rep* 2020;69:57–62. DOI: <http://dx.doi.org/10.15585/mmwr.mm6903a1>

especially Black boys—increased significantly while it decreased significantly for white youth.²⁵ This is in contrast to the fact that historically the suicide rate among Black Americans has been lower than that of white individuals across all age groups, and these were the first national studies to observe higher suicide rates among U.S. black individuals compared to white individuals. It is important to note that although the overall numbers of children who die by suicide is very low (averaging 33 deaths annually), this 20-year trend is alarming. The Congressional Task Force Report examined causes and solutions for Black youth suicide and mental health needs and produced practice and policy recommendations.

“In youth ages 10 to 19 years, suicide is the second leading cause of death, and in 2017, over 3,000 youth died by suicide in this age group. Over the past decade, increases in the suicide death rate for Black youth have seen the rate rising from 2.55 per 100,000 in 2007 to 4.82 per 100,000 in 2017. Black youth under 13 years are twice as likely to die by suicide and when comparing by sex, Black males, 5–11 years, are more likely to die by suicide compared to their White peers. Finally, the suicide death rate among Black youth has been found to be increasing faster than any other racial/ethnic group. Although Black youth have historically not been considered at high risk for suicide or suicidal behaviors, current trends suggest the contrary.”

National trends point to the need to ensure suicide prevention initiatives are common programs in Black communities in Maryland. The persistent and alarming rate of suicide increase warrants the attention of practitioners that work in child-serving systems, such as pediatric and family health care, schools, child welfare; mental health providers and researchers. There should also be a call to action for faith-based communities, families, and community leadership.

COVID-19 Pandemic

Experts agree that the mix of economic, psychosocial, and health-associated risk factors has the potential for increasing suicide risk, but they advise that this is not inevitable.^{26, 27} Certainly, the pandemic has affected our behavioral health: According to the CDC, more than 1 in 10 individuals nationally has seriously considered suicide in the previous 30 days, including over 25% of those aged 18–24, and more than 13% have started or increased their substance use to cope with pandemic-related stress. Further, the national rate of overdose deaths jumped more than 9% in the first six months of 2020 following the first yearly decline in a decade.²⁸

Maryland and national mortality data during the pandemic were not available at this writing.

In a note of optimism, Reger and colleagues state:

²⁵ Bridge JA, Horowitz LM, Fontanella CA, et al. Age-Related Racial Disparity in Suicide Rates Among US Youths From 2001 Through 2015. *JAMA Pediatr.* 2018;172(7):697–699. doi:10.1001/jamapediatrics.2018.0399.

²⁶ Reger MA, Stanley IH, Joiner TE. Suicide Mortality and Coronavirus Disease 2019—A Perfect Storm? *JAMA Psychiatry.* Published online April 10, 2020. doi:10.1001/jamapsychiatry.2020.1060.

²⁷ Gunnell D, Appleby L, et al and the COVID-19 Suicide Prevention Research Collaboration. Suicide risk and prevention during the COVID-19 pandemic. *The Lancet Psychiatry.* Published Online April 21, 2020 [https://doi.org/10.1016/S2215-0366\(20\)30171-1](https://doi.org/10.1016/S2215-0366(20)30171-1).

²⁸ Czeisler MÉ, Lane RI, Petrosky E, et al. Mental Health, Substance Use, and Suicidal Ideation During the COVID-19 Pandemic—United States, June 24–30, 2020. *MMWR Morbidity & Mortality Weekly Report* 2020;69:1049–1057. DOI: https://www.cdc.gov/mmwr/volumes/69/wr/mm6932a1.htm?s_cid=mm6932a1_w.

There may be a silver lining to the current situation. Suicide rates have declined in the period after past national disasters (e.g., the September 11, 2001, terrorist attacks). One hypothesis is the so-called pulling-together effect, whereby individuals undergoing a shared experience might support one another, thus strengthening social connectedness. Recent advancements in technology (eg, video conferencing) might facilitate pulling together. Epidemics and pandemics may also alter one's views on health and mortality, making life more precious, death more fearsome, and suicide less likely.²⁹

Increased Access to Firearms

An unprecedented surge in U.S. firearm sales has been widely reported: between March and July 2020, an estimated 10.1 million guns were sold, more than double the number of estimated guns sold over the same period last year.³⁰ Firearms are the most common method of suicide in the US.³¹ Access to a firearm triples the risk of death by suicide.³² An *Annals of Internal Medicine* study found that while only 8.5% of overall suicide acts were fatal, 89.6% of the firearm suicide acts were fatal.³³

Since early March 2020, demand for firearms in Maryland has skyrocketed. According to the FBI National Instant Criminal Background Check System (NICS), firearm background checks in Maryland have almost doubled when compared to the previous five years. While background checks are not a one-to-one indicator of gun sales (one background check can be done for the purchase of multiple firearms), NICS data is considered a strong proxy indicator for firearm demand.

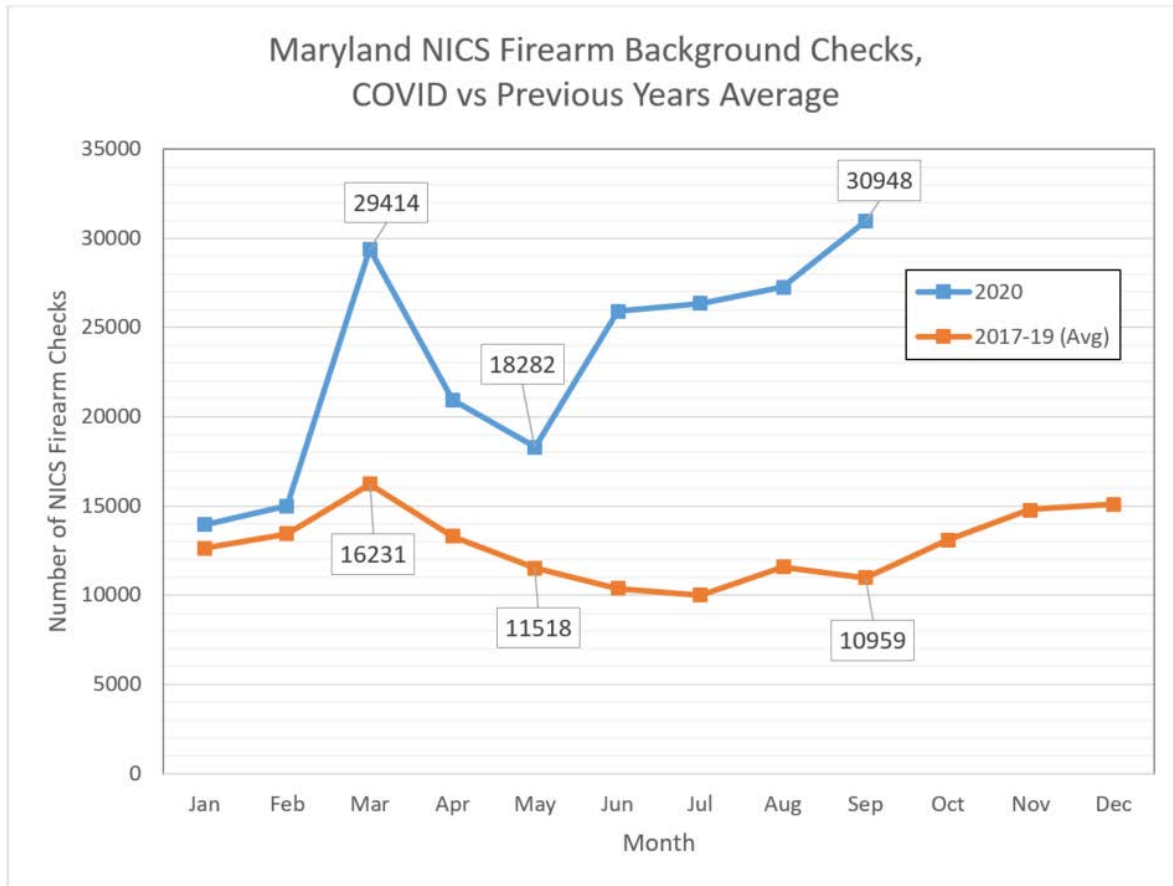
²⁹ Reger MA, Stanley IH, Joiner TE. Suicide Mortality and Coronavirus Disease 2019—A Perfect Storm? *JAMA Psychiatry*. Published online April 10, 2020. doi:10.1001/jamapsychiatry.2020.1060.

³⁰ Federal Bureau of Investigation National Instant Criminal Background Check System (NICS) Firearm Checks: Month/Year (November 30, 1998 - September 30, 2020). https://www.fbi.gov/file-repository/nics_firearm_checks_-_month_year.pdf/view.

³¹ Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Web-based Injury Statistics Query and Reporting System (WISQARS) [online]. (2005-2018) [cited 2020 Oct]. Available from URL: www.cdc.gov/injury/wisqars.

³² Anglemyer A, Horvath T, Rutherford G. 2014. <https://doi.org/10.7326/M13-1301>.

³³ Conner A, Azrael D, Miller M. Suicide case-fatality rates in the United States, 2007 to 2014: a nationwide population-based study *Ann. Intern Med.* 2019; ePub(ePub): ePub.



Source: National Instant Criminal Background Check System (NICS), 2020

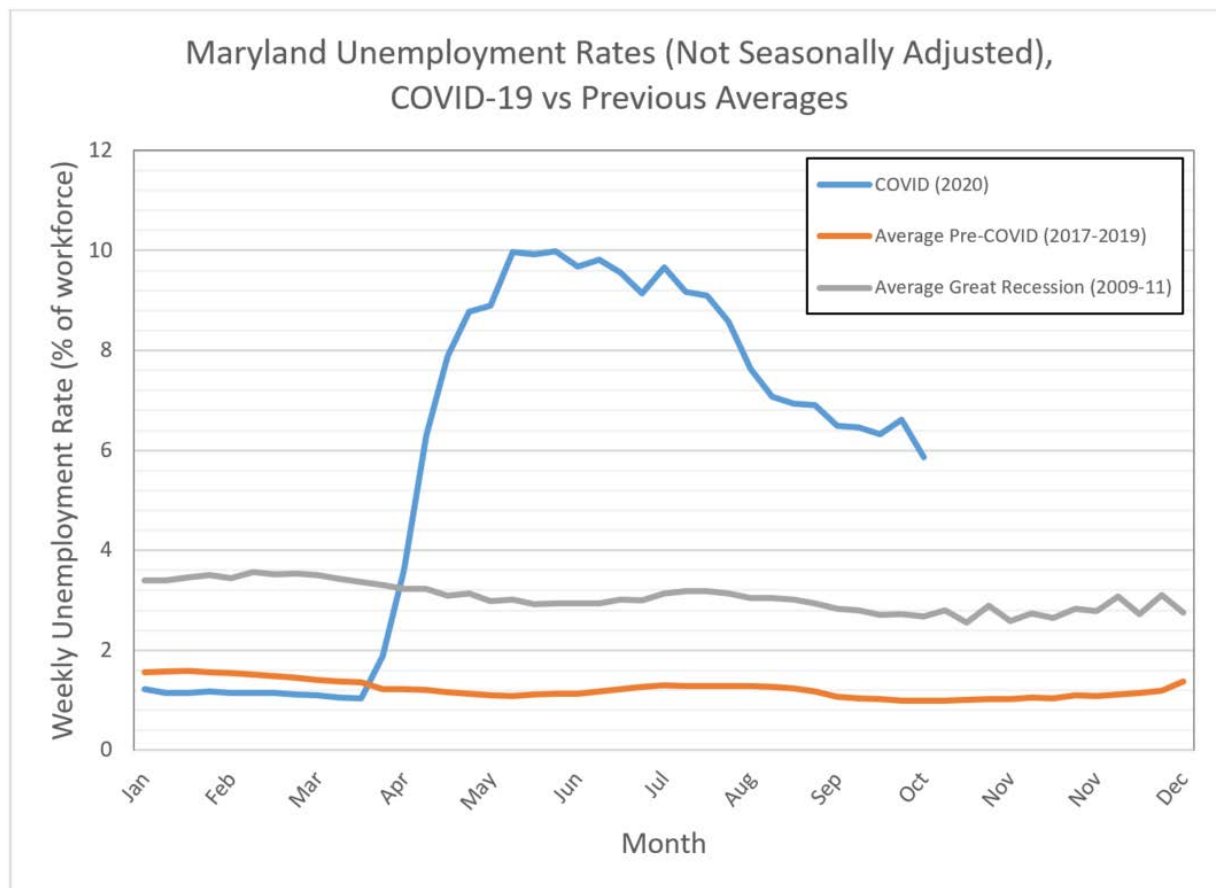
In 2018, 266 Maryland suicides (41% of total suicide deaths in the state) were by firearm. Even one unsecured firearm elevates suicide risk, not only for the firearm purchaser or owner, but also for all members of the household. It is estimated that nationally, close to half of firearm purchasers during the COVID-19 period are first-time firearm owners, many of whom have not received training in safely storing their firearms.³⁴ The increased gun ownership in Maryland may lead to an increase in suicides if preventative measures are not taken.

Unemployment and Suicide Risk

The economic impacts of COVID-19 have been felt intensely everywhere in the United States, and Maryland is no exception. Filings for unemployment insurance in the state have risen rapidly, and unemployment rates have remained elevated since the COVID crisis began. Historically, recessions have led to increased suicide risk - after the 2008 economic crisis, the U.S. suffered an estimated 3500 suicide deaths above the expected trend.³⁵

³⁴ Lyons VH, Haviland MJ, Azrael D, et al. Firearm purchasing and storage during the COVID-19 pandemic. *Injury Prevention*. Published Online First: 17 September 2020. doi: 10.1136/injuryprev-2020-043872.

³⁵ Chang S, Stuckler D, Yip P, Gunnell D. Impact of 2008 global economic crisis on suicide: time trend study in 54 countries. *BMJ*. 2013 Sep;347:f5239. doi:10.1136/bmj.f5239.



Source: US Department of Labor, 2020

Unemployment, in particular, is linked to increased rates of depression and suicide. Typically, suicide risk increases as duration of unemployment increases.³⁶ During mass layoffs associated with crisis, those who experience unemployment are less likely to blame themselves for their job loss, which can reduce suicide risk in the short term. However, those who struggle to re-enter the workforce after the crisis are at higher risk of suicide. The risk is elevated even higher if peers in their age group or industry are able to find employment, increasing negative peer comparison.^{37, 38, 39} To prevent an increase in suicide, those who are unemployed will require long-term support as they seek to re-enter the workforce – even after the height of the COVID-19 crisis passes.^{40, 41}

³⁶ Classen TJ, Dunn RA. The effect of job loss and unemployment duration on suicide risk in the United States: a new look using mass-layoffs and unemployment duration. *Health Econ.* 2012;21(3):338-350. doi:10.1002/hec.1719.

³⁷ Milner A, Page A, LaMontagne AD. Duration of unemployment and suicide in Australia over the period 1985-2006: an ecological investigation by sex and age during rising versus declining national unemployment rates. *J Epidemiol Community Health.* 2013;67(3):237-244. doi:10.1136/jech-2012-201594.

³⁸ Milner A, Page A, LaMontagne AD (2013) Long-Term Unemployment and Suicide: A Systematic Review and Meta-Analysis. *PLoS ONE* 8(1): e51333. <https://doi.org/10.1371/journal.pone.0051333>.

³⁹ Milner A, Page A, LaMontagne AD. Cause and effect in studies on unemployment, mental health and suicide: a meta-analytic and conceptual review. *Psychol Med.* 2014;44(5):909-917. doi:10.1017/S0033291713001621.

⁴⁰ Cylus J, Glymour MM, Avendano M. Do generous unemployment benefit programs reduce suicide rates? A state fixed-effect analysis covering 1968-2008. *Am J Epidemiol.* 2014;180(1):45-52. doi:10.1093/aje/kwu106.

⁴¹ Kim C, Cho Y. Does Unstable Employment Have an Association with Suicide Rates among the Young?. *Int J Environ Res Public Health.* 2017;14(5):470. Published 2017 Apr 28. doi:10.3390/ijerph14050470.

Section III: Goals and Objectives

GOAL 1: INTEGRATE AND COORDINATE SUICIDE PREVENTION ACTIVITIES ACROSS MULTIPLE SECTORS AND SETTINGS.

Objective 1.1: Integrate suicide prevention into all relevant health care reform efforts.

- a) Implement universal screening for suicide risk in emergency departments. Additional objectives related to health care reform efforts and suicide prevention can be found under Goal 3.
- b) Develop guidelines for primary care physicians and pediatricians to integrate universal screening into routine questioning during patient visits

Objective 1.2: Reduce the stigma associated with suicidal behaviors and mental and substance use disorders.

- a) Develop and implement a statewide suicide prevention campaign.

Objective 1.3: Increase the knowledge of the warning signs for suicide and of how to connect individuals at high risk or in crisis with assistance and care.

- a) Develop and implement a statewide suicide prevention campaign similar to the Know the Signs campaign.
- b) Promote suicide prevention and awareness training including but not limited to safeTALK, Applied Suicide Intervention Skills Training (ASIST), Question Persuade Refer (QPR), and Talk Saves Lives.
- c) Continue to develop online training modules through MD-SPIN and embed the modules on a publically accessible website.

Objective 1.4: Increase knowledge of the factors that offer protection from suicidal behaviors and that promote wellness and recovery.

Objective 1.5: Promote responsible media reporting of suicide, accurate portrayals of suicide and mental illnesses in the entertainment industry, and the safety of online content related to suicide.

- a) Encourage and recognize news organizations that develop and implement policies and practices addressing safe and responsible reporting of suicide and other related behaviors.
- b) Develop, implement, monitor, and update guidelines on the safety of online content for new and emerging communication technologies and applications.
- c) Develop and disseminate guidance for journalism and mass communication schools regarding how to address consistent and safe messaging on suicide and related behaviors in their curricula.

Objective 1.6: Establish partnerships with organizations that serve high-risk and underserved populations.

- a) Establish partnerships with faith-based organizations, Medicaid/Medicare, private payers, school system, businesses and employers, Maryland Primary Care program, and organizations that serve special populations.

GOAL 2: DEVELOP, IMPLEMENT, AND MONITOR EVIDENCE-BASED PROGRAMS THAT PROMOTE WELLNESS AND PREVENT SUICIDE AND RELATED BEHAVIORS.

Objective 2.1: Strengthen the coordination, implementation, and evaluation of comprehensive state and local suicide prevention programming.

- a) Hold focus groups and develop a survey to assess current strengths and needs in state and local suicide prevention programming.
- b) Facilitate regional meetings with local jurisdictions to discuss strategies and best practices for suicide prevention programming and implementation.

Objective 2.2: Strengthen the efforts to increase access to and delivery of effective programs and services for mental health and substance use disorders.

- a) Develop and disseminate awareness campaigns for Maryland's Helpline, text, and chat services.
- b) Coordinate with the National Suicide Prevention Lifeline to prepare for transitioning to 9-8-8 as the new nationwide suicide prevention number, scheduled for completion by July 2022.
- c) Promote access to mental health and substance use services and programs for community members with limited English proficiency.

Research and support evidence-based school programs for mental health, including: Good Behavior Game, Youth Aware of Mental Health, Sources of Strength and Signs of Suicide

Objective 2.3: Promote efforts to reduce access to lethal means of suicide among individuals with identified suicide risk.

- a) Promote the free online training "Counseling on Access to Lethal Means" to providers.
- b) Encourage providers who interact with individuals at risk for suicide to routinely assess for access to lethal means.
- c) Work with county suicide prevention coalitions and other organizations to launch a Maryland Gun Shop Project.
- d) Work with county suicide prevention coalitions and other organizations to collaborate with firearms dealers, firearm ranges, and gun owner groups to incorporate suicide awareness as a basic tenet of firearm safety and responsible firearm ownership.
- e) Develop and implement new safety technologies to reduce access to lethal means (i.e., create a communication loop between healthcare providers, prescribers, and pharmacies when an individual is at risk for suicide, or restricting pack sizes for potentially lethal medications)
- f) Disseminate information about the Maryland Safe Storage map created by the Johns Hopkins Bloomberg School of Public Health.
- g) Distribute gun locks and promote safe firearm storage habits.
- h) Work with partners to expand, co-sponsor, and promote medication take-back days and ongoing methods for disposal of unwanted medications.
- i) Develop a statewide means safety campaign with specific emphasis on rural areas.
- j) Work with the Maryland Extreme Risk Protective Order (ERPO) Implementation Group to raise awareness of Maryland's ERPO law.
- k) Pilot the use of ERPO navigators in health care settings to help health care providers file petitions when patients are at high risk of suicide and have firearms in their home.

Objective 2.4: Provide effective community-centered training to community groups and clinical service providers on the prevention of suicide and related behaviors.

- a) Provide training to targeted gatekeeper professions including law enforcement, teachers, and faith-based communities.
- b) Ensure the provision of training in languages other than English.

- c) Provide training about culturally appropriate responses as they relate to suicide and related behaviors.
- d) Provide training on implicit bias to providers.

Objective 2.5: Provide training to mental health and substance use providers on the recognition, assessment, and management of at-risk behavior and the delivery of effective clinical care for people with suicide risk.

- a) Develop and promote the adoption of core education and training guidelines on the prevention of suicide and related behaviors by all health professions, including within graduate and continuing education programs.
- b) Promote the adoption of core education and training guidelines on the prevention of suicide and related behaviors by credentialing and accreditation bodies.
- c) Develop and implement protocols and programs for clinicians, clinical supervisors, first responders, crisis staff, and others on how to implement effective strategies for communicating and collaboratively managing suicide risk.

GOAL 3: PROMOTE SUICIDE PREVENTION AS A CORE COMPONENT OF HEALTH CARE SERVICES. PROMOTE THE ADOPTION OF “ZERO SUICIDES” AS AN ASPIRATIONAL GOAL BY HEALTH CARE AND COMMUNITY SUPPORT SYSTEMS THAT PROVIDE SERVICES AND SUPPORT TO DEFINED POPULATIONS.

Objective 3.1: Promote timely access to assessment, intervention, and effective care for individuals with heightened risk for suicide. Promote continuity of care and the safety and wellbeing of all patients treated for suicide risk in emergency departments or hospital inpatient units.

- a) Establish linkages between providers of mental health and substance use services and community-based programs, including peer-support programs.
- b) Develop collaborations between emergency departments and other health care providers to provide alternatives to emergency department care and hospitalization when appropriate and to promote rapid follow up after discharge.
- c) Develop and implement protocols to ensure immediate and continuous follow-up after discharge from an emergency department or inpatient unit.
- d) Expand the availability of mobile crisis teams, crisis intervention teams, and 24/7 crisis centers in all local jurisdictions.
- e) Identify strategies to implement community-based interventions to provide care for people who are uninsured and uninsurable.
- f) Establish linkages between school health providers (nurses, counselors, social workers, etc.) and community-based supports and healthcare systems.
- g) Support expansion of telemedicine to provide timely services and support to patients.

Objective 3.2: Promote and implement effective clinical and professional practices for assessing and treating those identified as being at risk for suicidal behaviors.

- a) Adopt, disseminate, and implement guidelines for the assessment of suicide risk among persons receiving care in all settings.
- b) Develop, disseminate, and implement guidelines for clinical practice and continuity of care for providers who treat persons with suicide risk.
- c) Develop and implement protocols for delivering services for individuals with suicide risk in the most collaborative, responsive, and least restrictive settings.

- d) Adopt and implement guidelines to effectively engage families and concerned others, when appropriate, throughout entire duration of care for persons with suicide risk.
- e) Promote the safe disclosure of suicidal thoughts and behaviors by all patients.
- f) Adopt and implement policies and procedures to assess suicide risk and intervene to promote safety and reduce suicidal behaviors among patients receiving care for mental and/or substance use disorders.
- g) Develop guidelines on the documentation of assessment and treatment of suicide risk and establish a training and technical assistance capacity to assist providers with implementation.

Objective 3.3: Provide care and support to individuals affected by suicide deaths and attempts to promote healing and implement community strategies to help prevent further suicides.

- a) Develop listing for effective comprehensive support programs for individuals bereaved by suicide.
- b) Provide appropriate clinical care to individuals affected by a suicide attempt or bereaved by suicide, including trauma treatment and care for complicated grief.
- c) Adopt, disseminate, implement, and evaluate guidelines for communities to respond effectively to suicide clusters and contagion within their cultural context, and support implementation with education, training, and consultation.
- d) Provide health care providers, first responders, and others with care and support when a patient under their care dies by suicide.

GOAL 4: INCREASE THE TIMELINESS AND USEFULNESS OF SURVEILLANCE SYSTEMS RELEVANT TO SUICIDE PREVENTION AND IMPROVE THE ABILITY TO COLLECT, ANALYZE, AND USE THIS INFORMATION FOR ACTION.

Objective 4.1: Improve the timeliness of reporting vital records data.

Objective 4.2: Improve the usefulness and quality of suicide-related data.

- a) Collaborate with school districts to use Youth Risk Behavior Surveys to better understand suicidal ideation and attempts among school-aged youth.
- b) Work with the Maryland State Department of Education (MSDE) and the Maryland Department of Health (MDH) to administer the Youth Risk Behavior Surveys (YRBS) in languages other than English.
- c) Adopt recommended self-directed violence uniform definitions and data elements developed by the CDC.
- d) Improve data linkage across agencies and organizations, including hospitals, psychiatrics and other medical institutions, and police departments to better capture information on suicide attempts.
- e) Establish a Suicide Fatality Review team with a legislative mandate to collect and aggregate more detailed and prevention informative data on suicide deaths.
- f) Collaborate with the state child fatality review team for information collected about youth suicides.

Objective 4.3: Improve and expand state and local public health capacity to routinely collect, analyze, report, and use suicide-related data to improve prevention efforts and inform policy decisions.

- a) Utilize the Maryland Suicide Data Warehouse to address gaps in suicide data and establish priorities.

Objective 4.4: Evaluate the impact and effectiveness of suicide prevention interventions and systems and synthesize and disseminate findings.

Objective 4.5: Develop and support a repository of research and resources to help increase the amount and quality of research on suicide prevention and care in the aftermath of suicidal behaviors.

HB0307_Testimony_2A_Maryland.pdf

Uploaded by: John Josselyn

Position: UNF



House Bill 307
Firearm Safety - Storage Requirements and Youth Suicide Prevention
(Jaelynn's Law)

UNFAVORABLE

As written, HB 307 intentionally makes it difficult for law-abiding Maryland citizens to legally own or possess a firearm in Maryland. It effectively negates the citizens' means to viable self-defense within the home.

"By a five to four margin, the Court held that the Second Amendment protects an individual right to possess firearms for lawful use, such as self-defense, in the home. Accordingly, it struck down as unconstitutional provisions of a D.C. law that required lawfully owned firearms to be kept unloaded, disassembled, or locked." <https://www.cga.ct.gov/2008/rpt/2008-r-0578.htm>

Issues Involving Definitions

§4-104(a)(3) & §4-104(b)(1)

The definition of the term "child" as a person under 16 years of age (Page 2, Line 5) is deleted and replaced with the term "MINOR," Page 2, Line 17) which is undefined in this section and there is no reference to any other section or statute which might clarify the definition. This is extremely significant because the term "MINOR" is the crux of the entire bill.

§4-104(b)(4)(III)1 (Page 3, lines 2-3)

Firearms must be stored in a "locked container" equipped with a "tamper resistant" lock. The definition of what the container's physical characteristics shall consist of is not addressed. Under the language of the bill, a cardboard shoebox with a padlock would suffice.

A medicine bottle with a so-called tamper resistant cap may be tamper resistant for a 4 year old child or a person with arthritic hands, but that same cap is not tamper resistant for a teenager. The term tamper resistant is unconstitutionally vague because it is undefined in the bill, and dependent upon a wide variety of circumstances making the term subject to arbitrary and capricious interpretation.

§4-104(b)(4)(III)1 (Page 2, lines 4-5)

As an alternative, firearms may be rendered “inoperable” to anyone other than the authorized adult. This provision presents two problematic issues; the term “inoperable” is not defined in this or any other section of applicable statute and exactly who and what constitutes an “authorized” adult and how the authorization is established not addressed and remains totally unknown.

The term “AUTHORIZED ADULT” appears only a single time, and then in the nebulous language “RENDERED INOPERABLE TO ANYONE OTHER THAN AN AUTHORIZED ADULT.” The words “AUTHORIZED” AND “ADULT” are critical components, yet neither these words, nor the term “AUTHORIZED ADULT” are defined in this bill. (Page 3, Lines 4-5)

The phrase “RENDERED INOPERABLE TO ANYONE OTHER THAN AN AUTHORIZED ADULT,” is excessively vague and subjective. Who will determine exactly who the “AUTHORIZED ADULT” is and exactly what constitutes “INOPERABLE” for any given firearm? What are the technological and psychological differences in what an 18 year old can do on his or her 18th birthday, and that the same individual could do the week before his or her 18th birthday?

Structural Issues:

§4-104(b)(5) (Page 3, line 6)

While the bill is not clear on this matter, a second standard for rifles and shotguns exists, and it introduces still more concerns regarding the legal definitions of terms used.

The exemption listed consists of two conditions; both of which must exist:

First, the minor must hold a firearm and hunter safety certificate issued under §10-301.1 of the Natural Resources Article. While this addresses the issue of firearms safety, it has no bearing on the issue of suicide which is allegedly a prime purpose of this bill.

Second, the “MINOR” “HAS BEEN GIVEN EXPRESS PERMISSION BY THE MINOR’S PARENT OR GUARDIAN FOR THE PURPOSE OF ENGAGING IN LAWFUL ACTIVITY” (Page 3 lines 9-11). The bill language is silent on exactly what constitutes “EXPRESS PERMISSION” and in what form “EXPRESS PERMISSION” must be given and/or documented.

Even more problematic is the question of who is responsible when the “MINOR” “HAS BEEN GIVEN EXPRESS PERMISSION BY THE MINOR’S PARENT OR GUARDIAN FOR THE PURPOSE OF ENGAGING IN LAWFUL ACTIVITY” but the minor chooses to engage in unlawful activity without the knowledge or permission of the parent or guardian.

§4-104(c)(3)(III) (Page 3, lines 29-30 & §4-104(d)(1-3),Page 4)

Increased penalties are provided in the event a prohibited person or minor's access to the firearm results in harm to the prohibited person or minor. There is no limit on how that harm came about and no direct causation between the firearm and the injury is required. In fact no discharge of the firearm is necessary under the language of this bill.

Because the language regarding contributory negligence is being deleted, this bill is clearly intended to produce a chilling effect on the possession of firearms by the citizens of Maryland.

Impact on Existing Handgun Qualification License holders:

The Firearms Safety Act of 2013 mandated safety training as a prerequisite to applying to purchase a handgun. Since 2013, approximately 2,265 instructors have trained over 300,000 citizens. Part of that training included Maryland gun laws. Oddly, Qualified Handgun Instructors are not included in the listing of entities who should be given access to the "YOUTH SUICIDE PREVENTION AND FIREARMS SAFE STORAGE GUIDE. Page 5, Lines 14-27 and Page 6 lines 1-2) If HB 307 becomes law, hundreds of thousands of Maryland citizens will in possession of obsolete information and will likely become instant criminals. Creating hundreds of thousands of criminals does nothing to enhance firearm safety.

Impact on Project ChildSafe:

Under the *Project ChildSafe* Program developed and funded by the National Shooting Sports Foundation (NSSF), law enforcement agencies throughout the state have been distributing firearm cable locks upon request and free of charge for many years. Because these cable locks have been distributed by law enforcement agencies, citizens will erroneously believe they comply with the law. Under the provisions of HB 307, they do not.

Summary

HB 307 is not about public safety. It is about escalating restrictions on the lawful ownership of firearms. It is a statement of unfounded and blind faith in the false promise of gun control as the ultimate solution for the social ills that plague our society.

HB 307 serves only to divert attention from the real problem by pretending to do something. In fact, it is all a deception. When this type of bill passes, the sponsors are quick to praise it, while at the same time laying the groundwork for next year's bill by saying "it is a good first step, but more needs to be done." That "more" is always more gun control.

According to the Governor's 2020 State Suicide Prevention Report, after firearms, 34% of suicides are a result of suffocation, which is polite term for death by hanging.

The third most common methodology at 12% is drug poisoning. According to the Centers for Disease Control (CDC), the 2020 death rate due to drug overdoses in Maryland is 44.6 per capita, up from 38.2 per capita in the previous year. This figure is 170% of the **combined** death rate attributed by the CDC to firearms and homicides and approximately 330% over the death rate for firearms injuries. (See Attachment #1)

Do those deaths not matter because they cannot be exploited to further a gun control agenda?

HB 307 would save far more lives if instead of focusing on the storage of firearms, it focused on the safe storage of controlled prescription drugs. (See Attachment #2 for information on the magnitude of the problem caused by unsecured prescription drugs.)

We respectfully request an unfavorable report on House Bill 307.

John H. Josselyn, Director
2A Maryland

Hearing Date: 02-15-2023

Maryland

[Print](#)



Key Health Indicators	
Fertility Rate	57.7 (births per 1,000 women 15-44 years of age)
Teen Birth Rate	13.1 (births per 1,000 females 15-19 years of age)
Infant Mortality Rate	5.6 (infant deaths per 1,000 live births)
Life Expectancy (at Birth)	76.8 years (2020)
Marriage Rate	4.3 (marriages per 1,000)
Divorce Rate	1.7 (divorces per 1,000)
Leading Cause of Death	Heart Disease
Drug Overdose Death Rate	44.6 (per 100,000) ¹
Firearm Injury Death Rate	13.5 (per 100,000) ¹
Homicide Rate	11.4 (per 100,000) ¹
COVID-19 Death Rate (Q2, 2022)	14.1 (per 100,000) ²

Source: <https://www.cdc.gov/nchs/pressroom/states/maryland/md.htm#print>

Attachment #2 – Page 1 of 2

Johns Hopkins Medicine

“What’s in your medicine cabinet?

A common way that people get opioids illicitly is by taking them out of other people’s medicine cabinets. Opioid medicines should be stored in a locked location.”

Source: <https://www.hopkinsmedicine.org/opioids/how-you-can-help.html>

Department of Justice

“HOW DID THIS OPIOID PROBLEM GET TO MY COMMUNITY?

Opioids, particularly diverted prescription drugs, often enter the community through the family medicine cabinet, theft and robbery of local pharmacies, and through fraudulent prescriptions.”

Source: <https://www.justice.gov/opioidawareness/opioid-facts>

CDC

According to the CDC, the death rate due to drug overdoses in Maryland is 37.2. This figure is 1.77 times the *combined* death rate attributed to firearms and homicides.

Source: <https://www.cdc.gov/nchs/pressroom/states/maryland/md.htm>

Yale School of Medicine

“The widespread illicit use of opioid painkillers begins more in bathroom medicine cabinets than back alleys, according to new Yale research published in the *Archives of Internal Medicine*.”

Source: <https://medicine.yale.edu/news/medicineatyale/opioid-abusers-have-supplies-close-to-home/>

American Society of Regional Anesthesia and Pain Medicine

“Opioids should be stored in their original packaging inside a locked cabinet, a lockbox, or other secure locations.” Unfortunately, anyone you know may seek out drugs like opioids for illegal use. Don’t keep opioids in obvious places like bathroom cabinets or on kitchen counters where others might find them.”

Source: <https://www.asra.com/page/2725/safe-opioid-storage-tapering-and-disposal>

National Center for Biotechnology Information, U.S. National Library of Medicine

“Pharmaceutical opioid prescribing, opioid use disorders, and related poisonings have increased substantially in the last decade. Pharmaceutical opioid deaths among youth have markedly increased. One area that has received relatively little attention is the role of home safety, given that parents are an important source of opioids for youth. Parents may intentionally share opioids with youth, due to low perceived risks or limited knowledge, and youth may divert opioids from parents’ medicine cabinets. Safe medication storage has long been mandated by treatment programs that provide pharmacologically supported treatment of opioid use disorders, but it is not generally encouraged or required for pharmaceutical opioids prescribed for pain. Greater attention is needed on the development, evaluation and implementation of three preventive strategies. These three strategies can be delivered in or supported by adult medical practices: 1) fully informing adults prescribed opioids about the risks of opioids to family members and others; 2) providing locked medication safe storage devices; and 3) educating parents on safe disposal options. However, a critical evidence base is still lacking for these opioid safety interventions.”

Source: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4470841/>

HB307_Maryland_Gun_Laws_1988-2022.pdf

Uploaded by: John Josselyn

Position: UNF

2A Maryland - Maryland Gun Laws 1988-2022

Session	Bill Number	Bill Title
1988	HB1131	Handguns - Prohibition of Manufacture and Sale (Saturday Night Special Ban)
1989	SB0531	Firearms - Assault Weapons
1992	SB0043	Firearms - Access by Minors
1993	SB0330	Gun Shows - Sale, Trade or Transfer of Regulated Firearms
1994	HB0595?	Storehouse Breaking - Penalty
1994	SB0619	Assault Pistol Ban
1996	HB0297	Maryland Gun Violence Act of 1996
1996	HB1254	Education - Expulsion for Bringing a Firearm onto School Property
1999	HB0907	School Safety Act of 1999
2000	SB0211	Responsible Gun Safety Act of 2000
2001	HB0305	Bulletproof Body Armor - Prohibitions
2002	HB1272	Criminal Justice Information System - Criminal History Records Check
2009	HB0296	Family Law - Protective Orders - Surrender of Firearms
2009	HB0302	Family Law - Temporary Protective Orders - Surrender of Firearms
2011	HB0241	Criminal Law - Restrictions Against Use and Possession of Firearms
2011	HB0519	Firearms - Violation of Specified Prohibitions - Ammunition and Penalty
2012	HB0209	Public Safety - Possession of Firearms - Crimes Committed in Other States
2012	HB0618	Task Force to Study Access of Individuals with Mental Illness to Regulated Firearms
2013	SB0281	Firearms Safety Act of 2013
2018	HB1029	Criminal Law - Wearing, Carrying or Transporting Loaded Handgun - Subsequent Offender
2018	HB1302	Public Safety - Extreme Risk Protective Orders
2018	HB1646	Criminal Procedure - Firearms Transfer
2018	SB0707	Criminal Law - Firearm Crimes - Rapid Fire Trigger Activators
2019	SB0346	Public Safety - Regulated Firearms - Prohibition of Loans
2020	HB1629	Office of the Attorney General - Firearm Crime, Injuries, Fatalities, and Crime Firearms - Study
2021	HB1186	Office of the Attorney General - Firearm Crime, Injuries, Fatalities, and Crime Firearms - Study Extension
2022	HB0425	Public Safety - Untraceable Firearms (SB0387)
2022	HB1021	Public Safety – Licensed Firearms Dealers – Security Requirements

HB 307

HB 307.pdf

Uploaded by: Karla Mooney

Position: UNF

HB 307/SB 858 Firearms Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)

Karla Mooney Resident of St. Mary' County Dist. 29C

I am State Director of The DC Project and the State Leader of the Armed Women of America. I stand in solidarity with the Ladies of both of these groups, numbering many more than just myself.

While I agree whole heartedly with Firearms Safety as I am a Multi-Discipline Firearms instructor, I do not agree with this law.

As I read this it looks like you are re-writing the law as it pertains to 16-18 year olds who currently have the right to defend themselves using a firearm, against an attacker. Now you want everyone under 18 – the most vulnerable to not have any ability to defend themselves from home invasion.

I have no idea what you can legally determine inoperable is – as a safeguard... Do you have some sort of idea what makes a gun in operable by a minor and not an adult?

In general, there are Laws that say we can be armed at home incase of an invasion (DC vs. Heller). I believe this bill would render the homeowner defenseless and should not pass as written.

Please find an unfavorable report on this bill.

MSI Testimony on HB 307 and SB 858 Final.pdf

Uploaded by: Mark Pennak

Position: UNF



February 15, 2023

WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN OPPOSITION TO HB 307 AND SB 858

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is a Section 501(c)(4) all-volunteer, non-partisan, non-profit organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of Maryland and of the Bar of the District of Columbia. I recently retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland firearms law, federal firearms law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License (“HQL”) and a certified NRA instructor in rifle, pistol, personal protection in the home, personal protection outside the home and in muzzle loader. I appear today as President of MSI in OPPOSITION to HB 307 and SB 858 in so far as the Bills would amend MD Code, Criminal Law, § 4-104. MSI has no opposition to the provisions of the Bills that would enact a new subtitle 39A of the Health-General article of the Maryland Code.

The Bills:

The Bills would amend MD Code Criminal Law § 4-104. Specifically, current law provides that “[a] person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child would gain access to the firearm.” A child is defined for these purposes as a person “under the age of 16 years.” These bills would change the definition of a child to any minor (a person under the age of 18 years). The bills then provide that a person may not store or leave any firearm, loaded or unloaded, in a location where a person knew or reasonably should have known that A PROHIBITED PERSON OR AN UNSUPERVISED MINOR IS LIKELY TO gain access to the firearm.

The bills then create three categories of prohibitions concerning such access. The first is simply that A PERSON MAY NOT STORE OR LEAVE A FIREARM IN A LOCATION WHERE THE PERSON KNEW OR REASONABLY SHOULD HAVE KNOWN THAT A PROHIBITED PERSON OR IS LIKELY TO GAIN ACCESS TO THE FIREARM, but the minor does **not** actually gain access. Such storage is punishable with 90 days in prison or a fine of \$1,000 or both. The second category is where such storage occurs and A PROHIBITED PERSON OR AN UNSUPERVISED MINOR such individuals actually does GAIN ACCESS TO THE FIREARM. Such storage is punishable by imprisonment up to 2 years and a \$2,500 fine or both. The third category is that the firearm is left WHERE THE PERSON KNEW OR REASONABLY SHOULD HAVE KNOWN THAT A PROHIBITED PERSON OR AN UNSUPERVISED MINOR IS LIKELY TO GAIN ACCESS and the minor’s

access RESULTS IN HARM TO THE PROHIBITED PERSON, THE MINOR OR TO ANOTHER PERSON. Such storage is punishable by up to 3 years imprisonment and a fine of \$5,000. The Bills then add a new subtitle 39A to the Health General article of the Maryland Code to impose an obligation on the deputy secretary for public health services to develop a youth suicide guide containing certain information. The Bills direct the Department to distribute the guide in specified ways.

The bills also create a number of “safe harbors” for certain conduct or storage which are exempt from the bills’ prohibitions. Specifically, the bills retain current law exemptions for when minor access is supervised by a person 18 or older and where the prohibited person’s or minor’s access is the result of unlawful entry. The bills add an exemption for firearms that are stored UNLOADED, and the ammunition for such firearms is left IN A SECURE LOCATION WHERE A PROHIBITED PERSON OR MINOR IS NOT LIKELY TO GAIN ACCESS TO THE AMMUNITION **and** the firearm **is** left: 1. SECURED IN A LOCKED CONTAINER THAT IS EQUIPPED WITH A TAMPER-RESISTANT LOCK; OR 2. RENDERED INOPERABLE TO ANYONE OTHER THAN AN AUTHORIZED ADULT. The bill also retains the existing law’s exemption for a minor who has a certificate of firearm and hunter safety issued by the State, but restricts that access solely to a rifle or shotgun and adds the caveat that the minor must have BEEN GIVEN EXPRESS PERMISSION BY THE MINOR’S PARENT OR GUARDIAN TO ACCESS THE RIFLE OR SHOTGUN FOR THE PURPOSE OF ENGAGING IN A LAWFUL ACTIVITY.

Due Process:

Hopelessly vague is the exemption for firearms left or stored unloaded **and** “RENDERED INOPERABLE TO ANYONE OTHER THAN AN ADULT.” It is virtually impossible to know what this means, as a practical matter. We know of no manner of storage in which the firearm **is** operable by an 18-year-old but **is not** operable by a 17-year-old or a prohibited person. The Bills offer no definition for such storage and the ordinary gun owner would simply have to guess at the meaning of this requirement. Under the Due Process Clauses of the Fifth and Fourteenth Amendments, a penal statute must “define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement.” *Kolender v. Lawson*, 461 U.S. 352, 357 (1983). See also *United States v. Davis*, 139 S. Ct. 2319, 2325 (2019) (“Vague statutes threaten to hand responsibility for defining crimes to relatively unaccountable police, prosecutors, and judges, eroding the people’s ability to oversee the creation of the laws they are expected to abide.”).

The same principles obtain under Article 24 of the Maryland Declaration of Rights. Under Article 24, “[t]he void-for-vagueness doctrine as applied to the analysis of penal statutes requires that the statute be “sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties.” *Galloway v. State*, 365 Md. 599, 614, 781 A.2d 851 (2001). Under Article 24, a statute must provide “legally fixed standards and adequate guidelines for police ... and others whose obligation it is to enforce, apply, and administer [it]” and “must eschew arbitrary enforcement in addition to being intelligible to the reasonable person.” (Id. at 615). Under this test, a statute must be struck down if it is “so broad as to be susceptible to irrational and selective patterns of enforcement.” (Id. at 616). Thus, as the Maryland Court of Appeals has stressed, the General Assembly has an “obligation to establish adequate guidelines for enforcement of

the law.” *Ashton v. Brown*, 339 Md. 70, 88, 660 A.2d 447, 456 (1995). These Bills are penal statutes and utterly fail to satisfy either the Due Process Clause or Article 24. If enacted, the bills will likely fail in a pre-enforcement challenge on these grounds alone. *Pizza di Joey, LLC v. Mayor of Baltimore*, 470 Md. 308, 343-44, 235 A.3d 873 (2020).

Similarly vague is the exemption for a firearm that is stored UNLOADED and where the ammunition is stored in A SECURE LOCATION WHERE A MINOR IS NOT LIKELY TO GAIN ACCESS TO THE AMMUNITION and where the firearm itself is SECURED IN A LOCKED CONTAINER THAT IS EQUIPPED WITH A TAMPER-RESISTANT LOCK. The bills do not attempt to define a “SECURE location.” The Bills do not define “SECURE,” thus leaving the owner at sea as to the meaning of SECURE locations. The Bills do not even define “unloaded,” a term that is open to multiple meanings.

Finally, for the owner to be entitled to rely on this exemption, the firearm itself must be SECURED IN A LOCKED CONTAINER THAT IS EQUIPPED WITH A TAMPER-RESISTANT LOCK. The bills contain no definition or any standard to assess the meaning of “TAMPER-RESISTANT.” The dictionary definitions for the term “tamper-resistant” address the term in the context of prescription bottles or electronic devices, but those definitions do not address locks used to store items such as firearms. The term is not in general usage in the firearms industry. This requirement of a tamper-resistant lock is also unnecessary. It should be quite sufficient to the bills’ purpose that the firearm is unloaded, that the ammunition is inaccessible to a prohibited person or a minor and the firearm itself is locked in some manner.

Second Amendment:

Heller: The Bills also create massive problems under the Second Amendment. A criminalization of home possession of a firearm is flatly unconstitutional under *District of Columbia v. Heller*, 554 U.S. 570 (2008). Under *Heller*, responsible, law-abiding adults have a constitutional right to keep firearms in the home in order to exercise their right of armed self-defense. The Second Amendment “**elevates above all other interests** the right of law-abiding, responsible citizens to use arms in defense of hearth and home.” *Heller*, 554 U.S. at 635. Thus, in *Heller*, the Supreme Court struck down as unconstitutional DC’s safe storage law that required a firearm to be “**disassembled or bound by a trigger lock** at all times.” (Id. at 628). The Court held this requirement unconstitutionally burdened the right to self-defense in the home because the requirement prevented residents from rendering their firearms “operable for the purpose of *immediate* self-defense.” Id. at 635 (emphasis added).

In *Heller*, the Court ruled that handguns could not be banned as “the American people have considered the handgun to be the quintessential self-defense weapon.” *Heller*, 554 U.S. at 629. Under these bills, an unsupervised minor with a firearms safety certificate is only allowed to access a rifle or a shotgun with the express permission of his or her parents, and is completely barred from accessing a handgun (loaded or unloaded). There is no exemption for emergency access to a handgun (or to a long gun if the minor does not have a certificate), such as to repel an armed intrusion into the home. Yet, such preclusion of emergency access to a firearm is flatly inconsistent with MD Code, Public Safety, § 5-133(d)(2)(iv), which allows possession of a handgun by a person under 21 “**for self-defense or the defense of others against a trespasser into the residence of the person in possession or into a residence in**

which the person in possession is an invited guest.” Such self-defense uses by minors are hardly uncommon. <https://lawnews.tv/examples-of-kids-using-guns-to-defend-themselves/>. See also <https://www.wyvt.com/content/news/14-year-old-girl-fires-gun-to-save-sisters-from-intruder-526603881.html> (14-year-old girl used a 9mm pistol to defend herself and her younger sisters from a home break-in). Under these bills, such access by a minor for self-defense could result in three years of imprisonment for the minor’s parents, if the minor actually “harms” the home invader, and two years of imprisonment if the intruder runs away and the minor does not “harm” anyone. And that would be true even though the minor’s possession was perfectly legal under Section 5-133(d)(2)(iv). Respectfully, that result is absurd.

While the Bills pertain to storage rather than requiring that the firearms be locked up “at all times,” storage is a practical necessity for possession in the home as it is utterly impossible to wear or carry a firearm on one’s person 24/7. For example, one does not sleep or take a shower while carrying a firearm on one’s person. In *Jackson v. San Francisco*, 746 F.3d 953 (9th Cir. 2014), *cert. denied*, 576 U.S. 1013 (2015), the Ninth Circuit sustained (using intermediate scrutiny) a San Francisco safe storage law that required that a **handgun** be locked up in a container **or secured with a trigger lock**, but exempted from that requirement a “handgun is carried on the person of an individual over the age of 18.” These bills would likewise permit a person to carry a firearm on his or her person in the home, a right recognized by other Maryland laws. See, e.g., MD Code, Criminal Law, § 4-203(b)(6). Yet, even though the Supreme Court denied review of the Ninth Circuit’s decision, the dissent of Justice Thomas and Justice Scalia from that denial is particularly powerful. That dissent would have taken the case because that San Francisco law “burdens their right to self-defense at the times they are most vulnerable—when they are sleeping, bathing, changing clothes, or otherwise indisposed.” *Jackson v. San Francisco*, 576 U.S. at 1013 (2015) (Thomas, J., dissenting). It is, of course, well established that a denial of certiorari has “no implication whatever regarding the Court’s views on the merits of a case which it has declined to review.” *Reed v. Texas*, 140 S.Ct. 686, 689 (2020) (Sotomayor, statement respecting the denial of certiorari) (citation omitted). These bills, if enacted, would create an ideal opportunity for litigating the scope of *Heller’s* holding on this issue under the new standard of review established in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S.Ct. 2111 (2022) (discussed below).

In any event, these bills apply to **all** firearms (other than antiques), not merely handguns, as in *Jackson*, and the storage requirements are more severe than presented in either *Heller* or in *Jackson*. Specifically, these bills create an exemption only where 1. the firearm is unloaded, 2. the ammunition for the firearm is stored in a “secure” location where a minor’s or prohibited person’s access is unlikely, and 3. the firearm itself must be locked up in a **LOCKED CONTAINER** that has a **TAMPER-RESISTANT LOCK**. A trigger lock, which DC thought sufficient under the statute **invalidated** in *Heller* as did San Francisco under the ordinance sustained in *Jackson*, is **insufficient** under these Bills. Indeed, these “safe harbor” provisions are likely illusionary. Securing the firearm in this manner is not likely to save the gun owner from prosecution should the minor or prohibited person gain access, through hook or crook, to the firearm or ammunition. That is because the Bills use weasel words, e.g., “tamper-resistant lock” and “secure” location, to modify its provisions. If access is gained, then it is a sure bet that the “locked container” or the “secure” location for the ammunition will be deemed insufficient simply by exploiting the uncertainty inherent in these modifiers. The “safe harbors” in the Bills are not safe at all.

Ironically, a trigger lock is sold as a security device approved by the Maryland Roster Board under MD Code, Public Safety § 5-132(c), but a trigger lock is not a “locked container” and is thus insufficient under these Bills. Indeed, none of the devices on that Roster Board list would be sufficient under these bills. <http://bitly.ws/oE4X>. Such devices approved by the Roster Board also satisfy 18 U.S.C. § 921(a)(34) (defining a “secure gun storage or safety device” to mean “a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device”). Such devices meet the requirement imposed on federal licensees by 18 U.S.C. § 923(d)(1)(G), to have safety storage devices available at dealer locations. We see no possible justification for eliminating such approved devices. Under these bills, a person purchasing a firearm with such an approved safety device could still become a criminal the moment he or she arrived home and stored the firearm using one of these **approved** devices. That creates a massive trap for the unwary.

Bruen: The proper analysis for cases arising under the Second Amendment is set forth in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S.Ct. 2111 (2022), where the Court struck down as unconstitutional New York’s “proper cause” requirement for issuance of a permit to carry a handgun in public. The *Bruen* Court ruled that “the standard for applying the Second Amendment is as follows: When the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation.” 142 S.Ct. at 2127.

The relevant time period for that historical analogue inquiry is 1791, when the Bill of Rights was adopted. 142 S.Ct. at 2135. That is because “Constitutional rights are enshrined with the scope they were understood to have when the people adopted them.” *Id.*, quoting *District of Columbia v. Heller*, 554 U.S. 570, 634–635 (2008). As stated in *Hirschfeld v. Bureau of Alcohol, Firearms, Tobacco & Explosives*, 5 F.4th 407, 417 (4th Cir.), *vacated as moot*, 14 F.4th 322 (4th Cir. 2021), *cert. denied*, 142 S.Ct. 1447 (2022), “[w]hen evaluating the original understanding of the Second Amendment, 1791—the year of ratification—is ‘the critical year for determining the amendment’s historical meaning.’” 5 F.4th at 419, quoting *Moore v. Madigan*, 702 F.3d 933, 935 (7th Cir. 2012) (citing *McDonald v. City of Chicago*, 561 U.S. 742, 765 & n.14). The Court stressed that “to the extent later history contradicts what the text says, the text controls.” *Id.* at 2137. Similarly, “because post-Civil War discussions” of the right to keep and bear arms “took place 75 years after the ratification of the Second Amendment, **they do not provide as much insight into its original meaning as earlier sources.**” *Id.*, at 2137, quoting *Heller*, 554 U.S. at 614 (emphasis added).

Under *Bruen*, the historical analogue necessary to justify a regulation must also be “a well-established and representative historical analogue,” not outliers. *Id.* at 2133. Thus, historical “outlier” requirements of a few jurisdictions or of the Territories are to be disregarded. *Id.* at 2133, 2153, 2147 n.22 & 2156. Such outliers do not overcome what the Court called “the overwhelming evidence of an otherwise enduring American tradition permitting public carry.” 142 S.Ct. at 2154. Laws enacted in “the latter half of the 17th century” are “particularly instructive.” *Id.* at 2142. In contrast, the Court considered that laws enacted in the Territories were not “instructive.” *Id.* at 2154. Similarly, the Court

disregarded “20th century historical evidence” as coming too late to be useful. *Id.* at 2154 n.28.

Under that standard articulated in *Bruen*, “the government may not simply posit that the regulation promotes an important interest.” 142 S.Ct. at 2126. Likewise, *Bruen* expressly rejected deference “to the determinations of legislatures.” *Id.* at 2131. *Bruen* thus abrogates the two-step, “means-end,” “interest balancing” test that the courts had previously used to sustain gun laws, including the storage law at issue in *Jackson*. 142 S.Ct. at 2126. Those prior decisions are no longer good law. So, the constitutionality of these Bills will turn exclusively on an historical analysis, as *Heller* and *Bruen* make clear that the term “keep and bear arms” in the text of the Second Amendment necessarily includes the right to possess (“keep”) and the right to carry (“bear”).

If these Bills are enacted, the State will find it impossible to carry its burden to justify the storage requirements under the test set out in *Bruen*. These Bills basically criminalize the right to “keep” firearms unless the owner jumps through various hoops as to storage. We know of no appropriate historical analogue from the Founding era (or any other era) that could justify the requirements imposed by these Bills. In order to be a well-established, representative historical analogue, the historical law must be “relevantly similar” to the modern law (*Id.* at 2132). *Bruen* makes clear that this analogue inquiry is controlled by two “metrics,” *viz.*, “how and why the regulations burden a law-abiding citizen’s right to armed self-defense.” *Id.* at 2133. The inquiry is “whether modern and historical regulations impose *a comparable burden* on the right of armed self-defense.” *Id.* (emphasis added). The Court thus ruled that “whether modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is *comparably justified* are ‘central’ considerations when engaging in an analogical inquiry.” (*Id.*) (emphasis added). As explained above, the Bills can no longer be justified by reference to any means-ends or intermediate scrutiny. Public safety concerns are irrelevant to the test.

The Bills Are Unnecessary: These requirements cannot be justified as necessary to bar access to a firearm by a prohibited person. Existing federal and State law already ban possession by a prohibited person and these bans extend not only to actual possession but to constructive possession. “Constructive possession’ of a firearm is established when a person, though lacking physical custody of the firearm, still has the power and intent to exercise control over the firearm.” *Henderson v. United States*, 575 U.S. 622, 626 (2015). Such constructive possession is a violation of federal law, 18 U.S.C. § 922(g)(1), which is punishable by up to 10 years imprisonment under federal law. 18 U.S.C. § 924(a)(2). Such constructive possession by a prohibited person also violates MD Code, Public Safety, § 5-133(b)(1) (regulated firearms), and MD Code, Public Safety, § 5-205(b)(1) (long guns). See, e.g., *Moore v. State*, 2106 WL 103352 (Ct.of.Sp.App. 2016). A violation of MD Code Public Safety, § 5-133(b), is punishable by imprisonment for up to 5 years and/or a fine not exceeding \$10,000. MD Code, Public Safety, § 5-144(b). A violation of MD Code, Public Safety, § 5-205(b), is punishable by up to 3 years of imprisonment and/or a \$1,000 fine. MD Code, Public Safety, § 5-205(d). These punishments are more severe than the punishments imposed by these Bills.

Persons who allow such access may be charged as accessories or as aiders and abettors or as co-conspirators. See 18 U.S.C. §§ 2, 3; MD Code, Criminal Procedure, § 4-204. See *United States v. Olson*, 856 F.3d 1216 (9th Cir. 2017); *Bellamy v. State*, 403 Md. 308, 334, 941 A.2d

1107, 1122 (2008). Allowing such access to a disqualified person is also chargeable under 18 U.S.C. § 922(d), a violation of which is a federal felony punishable by imprisonment for up to 15 years. 18 U.S.C. § 924(a)(8). See *United States v. Stegmeier*, 701 F.3d 574, 580 (8th Cir. 2012). Indeed, a failure to store a firearm properly can be (and has been) charged under Maryland's reckless endangerment statute. MD Code, Criminal Law, § 3-204. That statute provides that "(a) A person may not recklessly: (1) engage in conduct that creates a substantial risk of death or serious physical injury to another." A violation is "subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both." See <https://www.foxnews.com/us/baltimore-grandmother-indicted-9-year-old-boy-fatally-shot-teen-girl>. These Bills add little or nothing to these existing severe prohibitions.

Unloaded Guns: The Bills would change the focus of existing law on access to a "loaded" gun into a ban on access to either a loaded or an **unloaded** gun. Criminalizing the possibility that a minor (any minor) might access an **unloaded** gun makes little sense as an unloaded gun cannot cause an accident. And the burdens imposed by the Bills are even more substantial because the Bills effectively require the owner to store the unloaded firearm **SECURED IN A LOCKED CONTAINER THAT IS EQUIPPED WITH A TAMPER-RESISTANT LOCK**, and that the ammunition be stored in **A SECURE LOCATION WHERE A PROHIBITED PERSON OR MINOR IS NOT LIKELY TO GAIN ACCESS TO THE AMMUNITION**. An unloaded gun is no more dangerous than a brick and far less dangerous than a knife or a baseball bat or many other household items. A firearm without ammunition is useless for armed self-defense.

Heller struck down the District of Columbia's "prohibition against **rendering** any lawful firearm in the home operable for the purpose of **immediate self-defense**." 554 U.S. at 635 (emphasis added). In *dicta*, the Court stated that "our analysis" did not "suggest the invalidity of laws regulating the storage of firearms to prevent **accidents**." (554 U.S. at 632). But that *dicta* cannot be read as swallowing the holding in *Heller*. Again, *Heller* held that the Second Amendment "elevates above **all other interests** the right of law-abiding, responsible citizens to use arms in defense of hearth and home." *Heller*, 554 U.S. at 635. "All" means all. See *Heller*, 554 U.S. at 636 ("the enshrinement of constitutional rights necessarily takes certain policy choices off the table"). Thus, storage laws may not require the owner to "render" any firearm unavailable for the owner to use for "immediate self-defense." Requiring a firearm to be stored "unloaded" **and** in "A LOCKED CONTAINER THAT IS EQUIPPED WITH A TAMPER-RESISTANT LOCK" **and** the ammunition locked up makes access to the firearm for "immediate" self-defense quite impossible. Criminalizing such storage of an unloaded gun is thus particularly unjustifiable under *Heller* and is utterly without any appropriate historical analogue as required by *Bruen*. See *Heller*, 554 U.S. at 631-32 (rejecting reliance on gunpowder-storage laws and a 1783 Massachusetts law).

If enacted, the changes made to Section 4-104 by these Bills will quite likely prompt a Second Amendment challenge to Section 4-104, either in a facial challenge or as a defense to any charges brought under Section 4-104. Such a challenge will likely not be limited to the changes made by these Bills and thus could well result in the invalidation of the existing requirements *currently* imposed by Section 4-104. Section 4-104 has thus far escaped a constitutional challenge. That is not by accident. If these Bills are enacted, the resulting burdens on Second Amendment rights will be increased past the point of toleration. The

Committee should ask itself whether the alleged benefits provided by the amendments to Section 4-104 are worth the risk that Section 4-104 will be invalidated.

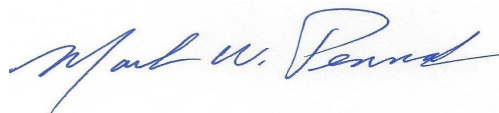
A Final Note On Policy: We presume that the purpose of these Bills is to encourage safe storage by gun owners. That is a laudable goal and one that MSI fully shares and supports. However, that goal cannot be achieved through unconstitutional means. See, e.g., *South Carolina v. Baker*, 485 U.S. 505, 516 (1988) (“Congress cannot employ unconstitutional means to reach a constitutional end”). The State is simply not free to ignore *Heller* and *Bruen* and enact legislation as if those cases had not been decided. The State may not require any storage that makes the firearm unavailable for “immediate self-defense.”

We urge an alternative approach which is to encourage safe storage by subsidizing the purchase of gun safes and storage devices by gun owners. That approach was taken by Senator Carter in Senate Bill 773, as amended and passed in the Senate last Session. <https://bit.ly/3JXplrU>. SB 773 created an Income Tax - Credit for Firearm Safety Devices and promoted the purchase of gun safes and other devices designed to prevent a firearm from being operated without first deactivating the device. Devices thus obtained are much more likely to be used. That bill has been reintroduced this Session as SB 655. Such an approach is not only fully constitutional but is, in our view, **much more likely** to lead to safe storage than ineffectually threatening law-abiding gun owners with still more prison time. As Johns Hopkins Professor Daniel Webster told the Senate last month, the data is clear that harsh penalties do not deter or promote compliance. <http://bit.ly/3E0lAOB> (starting at 1:00 hr.). That reality is confirmed by the Department of Justice’s National Institute of Justice. See <https://nij.ojp.gov/topics/articles/five-things-about-deterrence>.

The premise of these Bills is that the existing approach is not working. If so, then it is time to try something new rather than doubling down on a failed approach. *Heller* and *Bruen* require the State to alter its “ban and imprison” approach to otherwise law-abiding gun owners. Safe storage is a good place to start.

We urge an unfavorable report.

Sincerely,



Mark W. Pennak
President, Maryland Shall Issue, Inc.
mpennak@marylandshallissue.org

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Position: UNF



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PCB President

HB 307 and SB 858 TESTIMONY OF MICHAEL F BURKE.pdf

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Position: UNF

WRITTEN TESTIMONY OF MICHAEL F BURKE, IN OPPOSITION TO **HB 307 and SB 858**

02/14/2023

In introduction, please be informed that I am a Veteran of the Armed Forces, with 21 years of Service with the US Army, as a Military Police Officer, MP Investigator, and Counterintelligence Agent. Beyond that, I have more than 25 years of experience as a County, State, and federal Law Enforcement Officer and Special Agent. I am an expert in Maryland Firearms Law, federal firearms law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License and a certified NRA instructor in pistol, as well as a Chief Range Safety Officer. I am also a member of Maryland Shall Issue (“MSI”). Maryland Shall Issue is a Section 501(c)(4), all-volunteer, non-partisan, non-profit organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. We seek to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. **I appear today in opposition to HB 307 and SB 858.**

The Bills:

The Bills would amend **MD Code Criminal Law § 4-104**. Specifically, current law provides that “[a] person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child would gain access to the firearm.” A child is defined for these purposes as a person “under the age of 16 years.” These bills would change the definition of a child to any minor (a person under the age of 18 years). The bills then provide that a person may not store or leave any firearm, loaded or unloaded, in a location where a person knew or reasonably should have known that **A PROHIBITED PERSON OR AN UNSUPERVISED MINOR IS LIKELY TO** gain access to the firearm.

As a teenager myself, I carried a rifle, a machine gun, AND a handgun as a soldier and Military Police officer from age 18 to 21. I was entrusted by the US and State governments to stand watch and to go to war for over 21 years. As a highly qualified expert in firearms handling and safety, I cannot find any logic or consistency in the requirements of these bills.

The US Constitution affirms (not grants) the right of the PEOPLE (not just citizens, not just adults) to keep and bear arms. This proposed legislation flies in the face of the Constitution and is in direct contravention of the orders of the Supreme Court.

The bills create 3 categories of prohibitions concerning such access. The first is simply that **A PERSON MAY NOT STORE OR LEAVE A FIREARM IN A LOCATION WHERE THE PERSON KNEW OR REASONABLY SHOULD HAVE KNOWN THAT A PROHIBITED PERSON OR IS LIKELY TO GAIN ACCESS TO THE FIREARM**, but the minor does not actually gain access. Such storage is punishable with 90 days in prison or a fine of \$1,000 or both.

The second category is where such storage occurs and A PROHIBITED PERSON OR AN UNSUPERVISED MINOR such individuals actually does GAIN ACCESS TO THE FIREARM. Such storage is punishable by imprisonment by up to 2 years and a \$2,500 fine or both.

The third category is that the firearm is left WHERE THE PERSON KNEW OR REASONABLY SHOULD HAVE KNOWN THAT A PROHIBITED PERSON OR AN UNSUPERVISED MINOR IS LIKELY TO GAIN ACCESS and the minor's access RESULTS IN HARM TO THE PROHIBITED PERSON, THE MINOR OR TO ANOTHER PERSON. Such storage is punishable by up to 3 years imprisonment and a fine of \$5,000. The Bills then add a new subtitle 39A to the Health General article of the Maryland Code to impose an obligation on the deputy secretary for public health services to develop a youth suicide guide containing certain information. The Bills direct the Department to distribute the guide in specified ways.

The bills also create a number of "safe harbors" for certain conduct or storage which are exempt from the bills' prohibitions. Specifically, the bills retain current law exemptions for when minor access is supervised by a person 18 or older and where the prohibited person's or minor's access is the result of unlawful entry. The bills add an exemption for firearms that are stored UNLOADED, and the ammunition for such firearm is IN A SECURE LOCATION WHERE A PROHIBITED PERSON OR MINOR IS NOT LIKELY TO GAIN ACCESS TO THE AMMUNITION and THE FIREARM: 1. SECURED IN A LOCKED CONTAINER THAT IS EQUIPPED WITH A TAMPER-RESISTANT LOCK; OR 2. RENDERED INOPERABLE TO ANYONE OTHER THAN AN AUTHORIZED ADULT. The bill also retains the existing law's exemption for a minor who has a certificate of firearm and hunter safety issued by the State, but restricts that access solely to a rifle or shotgun and adds the caveat that the minor must have BEEN GIVEN EXPRESS PERMISSION BY THE MINOR'S PARENT OR GUARDIAN TO ACCESS THE RIFLE OR SHOTGUN FOR THE PURPOSE OF ENGAGING IN A LAWFUL ACTIVITY.

Due Process:

Hopelessly vague is the exemption for firearms left or stored unloaded and "RENDERED INOPERABLE TO ANYONE OTHER THAN AN ADULT." It is virtually impossible to know what this means, as a practical matter.

As an instructor, I have taught persons from age 5 to 95 how to operate a firearm- handguns, rifles, and shotguns. These are mechanical devices – tools- and

I know of no manner of storage in which the firearm is operable by an 18-year-old but is not operable by a 17-year-old or a prohibited person. The Bills offer no definition for such storage and the ordinary gun owner would simply have to guess at the meaning of this requirement. Under the Due Process Clauses of the Fifth and Fourteenth Amendments, a penal statute must "define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement." *Kolender v. Lawson*, 461 U.S. 352, 357 (1983). See also *United States v. Davis*, 139 S. Ct. 2319, 2325 (2019) ("Vague statutes threaten to

hand responsibility for defining crimes to relatively unaccountable police, prosecutors, and judges, eroding the people’s ability to oversee the creation of the laws they are expected to abide.”).

The same is true under Article 24 of the Maryland Declaration of Rights. Under Article 24, “[t]he void-for-vagueness doctrine as applied to the analysis of penal statutes requires that the statute be “sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties.” *Galloway v. State*, 365 Md. 599, 614, 781 A.2d 851 (2001). Under Article 24, a statute must provide “legally fixed standards and adequate guidelines for police ... and others whose obligation it is to enforce, apply, and administer [it]” and “must eschew arbitrary enforcement in addition to being intelligible to the reasonable person.” (Id. at 615). Under this test, a statute must be struck down if it is “so broad as to be susceptible to irrational and selective patterns of enforcement.” (Id. at 616). Thus, as the Maryland Court of Appeals has stressed, the General Assembly has an “obligation to establish adequate guidelines for enforcement of the law.” *Ashton v. Brown*, 339 Md. 70, 88, 660 A.2d 447, 456 (1995). These bills are penal statutes and utterly fail to satisfy either the Due Process Clause or Article 24. If enacted, the bills will fail in a pre-enforcement challenge on these grounds alone. *Pizza di Joey, LLC v. Mayor of Baltimore*, 470 Md. 308, 343-44, 235 A.3d 873 (2020).

Similarly vague is the exemption for a firearm that is stored UNLOADED and where the ammunition is stored in A SECURE LOCATION WHERE A MINOR IS NOT LIKELY TO GAIN ACCESS TO THE AMMUNITION and where the firearm itself is SECURED IN A LOCKED CONTAINER THAT IS EQUIPPED WITH A TAMPER-RESISTANT LOCK. The bills do not attempt to define a “SECURE location” which is a requirement in addition to the requirement that the location must be where a minor IS NOT LIKELY TO GAIN ACCESS. One would have thought that a location where the minor is not likely to gain access to the ammunition would be sufficiently secure, but not under these bills. The location must also be “SECURE,” a term that the bills do not define. The owner is left at sea as to the meaning of SECURE locations. The bills do not even define “unloaded,” a term that is open to multiple meanings.

Finally, for the owner to be entitled to rely on this exemption, the firearm itself must be SECURED IN A LOCKED CONTAINER THAT IS EQUIPPED WITH A TAMPER-RESISTANT LOCK. The bills contain no definition or any standard to assess the meaning of “TAMPER-RESISTANT.” The dictionary definitions for the term “tamper-resistant” address the term in the context of prescription bottles or electronic devices, but those definitions do not address locks used to store items such firearms. The term is not in general usage in the firearms industry. This requirement of a tamper-resistant lock is also unnecessary. It should be quite sufficient to the bills’ purpose that the firearm is unloaded, that the ammunition is inaccessible to a prohibited person or a minor and the firearm itself is locked in some manner.

Second Amendment:

Heller: The bills also create massive problems under the Second Amendment. A criminalization of home possession of a firearm is flatly unconstitutional under *District of Columbia v. Heller*, 554 U.S. 570 (2008). Under *Heller*, responsible, law-abiding adults have a constitutional right to keep firearms in the home in order to exercise their right of armed self-defense. The Second Amendment “elevates above all other interests the right of law-abiding, responsible citizens to use arms in defense of hearth and home.” *Heller*, 554 U.S. at 635. Thus, in *Heller*, the Supreme Court struck down as unconstitutional DC’s safe storage law that required a firearm to be “disassembled or bound by a trigger lock at all times.” (*Id.* at 628). The Court held this requirement unconstitutionally burdened the right to self-defense in the home because the requirement prevented residents from rendering their firearms “operable for the purpose of immediate self-defense.” *Id.* at 635 (emphasis added).

In *Heller*, the Court ruled that handguns could not be banned as “the American people have considered the handgun to be the quintessential self-defense weapon.” *Heller*, 554 U.S. at 629. Under these bills, an unsupervised minor with a firearms safety certificate is only allowed to access a rifle or a shotgun with the express permission of his or her parents, and is completely barred from accessing a handgun (loaded or unloaded). There is no exemption for emergency access to a handgun (or to a long gun if the minor does not have a certificate), such as to repel an armed intrusion into the home. Yet, such preclusion of emergency access to a firearm is flatly inconsistent with MD Code, Public Safety, § 5-133(d)(2)(iv), which allows possession of a handgun by a person under 21 “for self-defense or the defense of others against a trespasser into the residence of the person in possession or into a residence in which the person in possession is an invited guest.” Such self-defense uses by minors are hardly uncommon. <https://lawnews.tv/examples-of-kids-using-guns-to-defend-themselves/>. See also <https://www.wymt.com/content/news/14-year-old-girl-fires-gun-to-save-sisters-from-intruder-526603881.html> (14 year old girl used a 9mm pistol to defend herself and her younger sisters from a home break-in). Under these bills, such access by a minor for self-defense could result in three years of imprisonment for the minor’s parents, if the minor actually “harms” the home invader, and two years of imprisonment if the intruder runs away and the minor does not “harm” anyone. And that would true even though the minor’s possession was perfectly legal under Section 5-133(d)(2)(iv). Respectfully, that result is absurd.

While the bills pertain to storage rather than requiring that the firearms be locked up “at all times,” storage is a practical necessity for possession in the home as it is utterly impossible to wear or carry a firearm 24/7. For example, one does not sleep or take a shower while carrying a firearm on one’s person. In *Jackson v. San Francisco*, 746 F.3d 953 (9th Cir. 2014), cert. denied, 576 U.S. 1013 (2015), the Ninth Circuit sustained a San Francisco safe storage law that required that a handgun be locked up in a container or secured with a trigger lock, but exempted from that requirement a “handgun is carried on the person of an individual over the age of 18.” These bills would likewise permit a person to carry a firearm on his or her person in the home, a right recognized by other Maryland law. See, e.g., MD Code, Criminal Law, § 4-203(b)(6). Yet, even though the Supreme Court denied review of the Ninth Circuit’s decision, the dissent of Justice of Justice Thomas and Justice Scalia from that denial is particularly powerful. That dissent would have taken the case because that San Francisco law “burdens their right to self-defense at the times they are most vulnerable—when they are sleeping, bathing, changing clothes,

or otherwise indisposed.” *Jackson v. San Francisco*, 576 U.S. at 1013 (2015) (Thomas, J., dissenting). It is, of course, well established that a denial of certiorari has “no implication whatever regarding the Court's views on the merits of a case which it has declined to review.” *Reed v. Texas*, 140 S.Ct. 686, 689 (2020) (Sotomayor, statement respecting the denial of certiorari) (citation omitted). These bills, if enacted, would create an ideal opportunity for litigating the scope of *Heller*'s holding on this issue under the new standard of review established in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S.Ct. 2111 (2022).

In any event, these bills apply to all firearms (other than antiques), not merely handguns, as in *Jackson*, and the storage requirements are more severe than presented in either *Heller* or in *Jackson*. Specifically, these bills create an exemption only where 1. the firearm is unloaded, 2. the ammunition for the firearm is stored in a “secure” location where a minor's or prohibited person's access is unlikely, and 3. the firearm itself must be locked up in a LOCKED CONTAINER that has a TAMPER-RESISTANT LOCK. A trigger lock, which DC thought sufficient under the statute invalidated in *Heller* as did *San Francisco* under the ordinance sustained in *Jackson*, is insufficient under these Bills. Indeed, these “safe harbor” provisions are likely illusory. Hind-sight being 20-20, securing the firearm in this manner is not likely to save the gun-owner from prosecution should the minor or prohibited person actually gain access, through hook or crook, to the firearm or ammunition. That is because the Bills use weasel words, e.g., “tamper-resistant lock” and “secure” location, to modify its provisions. If access is gained, then it is a sure bet that the “locked container” or the “secure” location for the ammunition will be deemed insufficient simply by exploiting the uncertainty inherent in these modifiers. The safe harbors are not safe at all.

Ironically, a trigger lock is sold as a security device approved by the Maryland Roster Board under MD Code, Public Safety § 5-132(c), but a trigger lock is not a “locked container” and is thus insufficient. Indeed, it would appear that none of the devices on that Roster Board list would be sufficient under these bills. <http://bitly.ws/oE4X>. Such devices approved by the Roster Board also satisfy 18 U.S.C. § 921(a)(34) (defining a “secure gun storage or safety device” to mean “a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device”). Such devices meet the requirement imposed on federal licensees by 18 U.S.C. § 923(d)(1)(G), to have safety storage devices available at dealer locations. We see no possible justification for eliminating such approved devices. Under these bills, a person purchasing a firearm with such an approved safety device could still become a criminal the moment he or she arrived home and stored the firearm using one of these approved devices. Another trap for the unwary.

Bruen: The proper analysis for cases arising under the Second Amendment is set forth in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S.Ct. 2111 (2022), where the Court struck down as unconstitutional New York's “proper cause” requirement for issuance of a permit to carry a handgun in public. The *Bruen* Court ruled that “the standard for applying the Second Amendment is as follows: When the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation.” 142 S.Ct. at 2127. The

relevant time period for that historical analogue is 1791, when the Bill of Rights was adopted. 142 S.Ct. at 2135. That is because ““Constitutional rights are enshrined with the scope they were understood to have when the people adopted them.”” *Id.*, quoting *District of Columbia v. Heller*, 554 U.S. 570, 634–635 (2008). As stated in *Hirschfeld v. Bureau of Alcohol, Firearms, Tobacco & Explosives*, 5 F.4th 407, 417 (4th Cir.), vacated as moot, 14 F.4th 322 (4th Cir. 2021), cert. denied, 142 S.Ct. 1447 (2022), “[w]hen evaluating the original understanding of the Second Amendment, 1791—the year of ratification—is ‘the critical year for determining the amendment’s historical meaning.’” 5 F.4th at 419, quoting *Moore v. Madigan*, 702 F.3d 933, 935 (7th Cir. 2012) (citing *McDonald*, 561 U.S. at 765 & n.14). The Court stressed that “to the extent later history contradicts what the text says, the text controls.” *Id.* at 2137. Similarly, “because post-Civil War discussions” of the right to keep and bear arms “took place 75 years after the ratification of the Second Amendment, they do not provide as much insight into its original meaning as earlier sources.” *Id.*, at 2137, quoting *Heller*, 554 U.S. at 614 (emphasis added).

Under *Bruen*, the historical analogue necessary to justify a regulation must also be “a well-established and representative historical analogue,” not outliers. *Id.* at 2133. Thus, historical “outlier” requirements of a few jurisdictions or of the Territories are to be disregarded. *Id.* at 2133, 2153, 2147 n.22 & 2156. Such outliers do not overcome what the Court called “the overwhelming evidence of an otherwise enduring American tradition permitting public carry.” 142 S.Ct. at 2154. Laws enacted in “the latter half of the 17th century” are “particularly instructive.” *Id.* at 2142. In contrast, the Court considered that laws in enacted in the Territories were not “instructive.” *Id.* at 2154. Similarly, the Court disregarded “20th century historical evidence” as coming too late to be useful. *Id.* at 2154 n.28.

Under that standard articulated in *Bruen*, “the government may not simply posit that the regulation promotes an important interest.” 142 S.Ct. at 2126. Likewise, *Bruen* expressly rejected deference “to the determinations of legislatures.” *Id.* at 2131. *Bruen* thus abrogates the two-step, “means-end,” “interest balancing” test that the courts had previously used to sustain gun laws, including the storage law at issue in *Jackson*. 142 S.Ct. at 2126. Those prior decisions are no longer good law. So, the constitutionality of these Bills will turn exclusively on an historical analysis, as *Heller* and *Bruen* make clear that the term “keep and bear arms” in the text of the Second Amendment necessarily includes the right to possess (“keep”) and the right to carry (“bear”).

If these Bills are enacted, the State will have a very difficult time carrying its burden to justify the storage requirements under test set out in *Bruen*. These Bills basically criminalize the right to “keep” firearms unless the owner jumps through various hoops as to storage. We know of no appropriate historical analogue in the Founding era that could justify the requirements imposed by these Bills. In order to be a well-established, representative historical analogue, the historical law must be “relevantly similar” to the modern law (*Id.* at 2132). *Bruen* makes clear that this analogue inquiry is controlled by two “metrics,” viz., “how and why the regulations burden a law-abiding citizen’s right to armed self-defense.” *Id.* at 2133. The inquiry is “whether modern and historical regulations impose a comparable burden on the right of armed self-defense.” *Id.* at 2133 (emphasis added). The Court thus ruled that “whether modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is comparably justified are ‘central’ considerations when engaging in an analogical inquiry.” (*Id.*) (emphasis added). As explained above, the Bills can no longer be justified by reference to any means-ends or intermediate scrutiny.

The Bills Are Unnecessary: These requirements cannot be justified as necessary to bar access to a firearm by a prohibited person. Existing federal and State law already bans possession by a prohibited person and these bans extend not only to actual possession but to constructive possession.

“‘Constructive possession’ of a firearm is established when a person, though lacking physical custody of the firearm, still has the power and intent to exercise control over the firearm.” *Henderson v. United States*, 575 U.S. 622, 626 (2015). Such constructive possession is a violation of federal law, 18 U.S.C. § 922(g)(1), which is punishable by up to 10 years imprisonment under federal law. 18 U.S.C. § 924(a)(2). Such constructive possession by a prohibited person also violates MD Code, Public Safety § 5-133(b)(1) (regulated firearms), § 5-205(b)(1) (long guns). See, e.g., *Moore v. State*, 2106 WL 103352 (Ct. of Sp. App. 2016). A violation of MD Code Public Safety, § 5-133(b), is punishable by imprisonment for up to 5 years and/or a fine not exceeding \$10,000. MD Code, Public Safety, § 5-144(b). A violation of MD Code, Public Safety, § 5-205(b), is punishable by up to 3 years of imprisonment and/or a \$1,000 fine. MD Code, Public Safety, § 5-205(d). These punishments are more severe than the punishments imposed by these Bills.

Persons who allow such access may be charged as accessories or as aiders and abettors or as co-conspirators. See 18 U.S.C. §§ 2, 3; MD Code, Criminal Procedure, § 4-204. See *United States v. Olson*, 856 F.3d 1216 (9th Cir. 2017); *Bellamy v. State*, 403 Md. 308, 334, 941 A.2d 1107, 1122 (2008). Allowing such access to a disqualified person is also chargeable under 18 U.S.C. § 922(d), a violation of which is a federal felony punishable by imprisonment for up to 15 years. 18 U.S.C. § 924(a)(8); *United States v. Stegmeier*, 701 F.3d 574, 580 (8th Cir. 2012). Indeed, misconduct in storing a firearm can be (and has been) charged under Maryland’s reckless endangerment statute. MD Code, Criminal Law, § 3-204. That statute provides that “(a) A person may not recklessly: (1) engage in conduct that creates a substantial risk of death or serious physical injury to another.” A violation is “subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.” See <https://www.foxnews.com/us/baltimore-grandmother-indicted-9-year-old-boy-fatally-shot-teen-girl>. These Bills add little or nothing to these existing severe prohibitions.

Unloaded Guns: The bills would change the focus of existing law on access to a “loaded” gun into a ban on access to either a loaded or an unloaded gun. Criminalizing the possibility that a minor (any minor) might access an unloaded gun makes no sense at all. And the burdens imposed by the Bills are even more substantial because the Bills effectively require the owner to store the unloaded firearm SECURED IN A LOCKED CONTAINER THAT IS EQUIPPED WITH A TAMPER-RESISTANT LOCK, and that the ammunition be stored in A SECURE LOCATION WHERE A PROHIBITED PERSON OR MINOR IS NOT LIKELY TO GAIN ACCESS TO THE AMMUNITION. An unloaded gun is no more dangerous than a brick and far less dangerous than a knife or a baseball bat or many other household items. Ammunition is worthless without a firearm and a firearm without ammunition is useless for self-defense.

Heller struck down the District of Columbia’s “prohibition against rendering any lawful firearm in the home operable for the purpose of immediate self-defense.” 554 U.S. at 635 (emphasis added). In dicta, the Court stated that “our analysis” did not “suggest the invalidity of laws regulating the storage of firearms to prevent accidents.” (554 U.S. at 632). But that dicta cannot be read as swallowing the

holding in Heller. Again, Heller held that the Second Amendment “elevates above all other interests the right of law-abiding, responsible citizens to use arms in defense of hearth and home.” Heller, 554 U.S. at 635. “All” means all. See Heller, 554 U.S. at 636 (“the enshrinement of constitutional rights necessarily takes certain policy choices off the table”). Thus, storage laws may not “render” any firearm unavailable for the owner to use for “immediate self-defense.” Requiring a firearm to be stored “unloaded” and in “A LOCKED CONTAINER THAT IS EQUIPPED WITH A TAMPER-RESISTANT LOCK” makes “immediate” access to the firearm for self-defense quite impossible. Criminalizing such storage of an unloaded gun is thus particularly unjustifiable under Heller and is utterly without any appropriate historical analogue as required by Bruen. See Heller, 554 U.S. at 631-32 (rejecting reliance on gunpowder-storage laws and a 1783 Massachusetts law).

If enacted, the changes made to Section 4-104 by these Bills will quite likely prompt a Second Amendment challenge to Section 4-104, either in a facial challenge suit or as a defense to any charges brought under Section 4-104. Such a challenge will likely not be limited to the changes made by these Bills and thus could well result in the invalidation of the existing requirements currently imposed by Section 4-104. Section 4-104 has thus far escaped a constitutional challenge. That is not by accident. If these Bills are enacted, the resulting burdens on Second Amendment rights will be increased past the point of toleration. The Committee should ask itself whether the alleged benefits provided by these Bills are worth the risk that Section 4-104 will be invalidated.

A Final Note On Policy: We presume that the purpose of these Bills is to encourage safe storage by gun owners. That is laudable goal and one that MSI fully shares and supports. However, that goal cannot be achieved through unconstitutional means. See, e.g., *Suth Carolina v. Baker*, 485 U.S. 505, 516 (1988) (“Congress cannot employ unconstitutional means to reach a constitutional end”). The State is simply not free to ignore Heller and Bruen and enact legislation as if those cases had not been decided. We urge an alternative approach which is to encourage safe storage by subsidizing the purchase of gun safes and storage devices by gun owners. That approach was taken by Senator Carter in Senate Bill 773, as amended and passed in the Senate last Session. <https://bit.ly/3JXplrU>. SB 773 created an Income Tax - Credit for Firearm Safety Devices and promoted the purchase of gun safes and other devices designed to prevent a firearm from being operated without first deactivating the device. Devices thus obtained (at State expense) are much more likely to be purchased and used. That bill has been reintroduced this Session as SB 655. That approach is not only fully constitutional but is, in our view, much more likely to lead to safe storage than threatening law-abiding gun owners with still more prison time. The premise of these Bills is that the existing approach is not working. If so, then it is time to try something new rather than doubling down on a failed approach. Heller and Bruen require the State to alter its “ban and imprison” approach to otherwise law-abiding gun owners. **This is a good place to start.**

The Bruen Court ruled that “the standard for applying the Second Amendment is as follows: When the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation.” 142 S.Ct. at 2127. Under that standard articulated in Bruen, “the government may not simply posit that the regulation promotes an important interest.” 142 S.Ct. at 2126. Likewise, Bruen expressly rejected deference “to the determinations of legislatures.”

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Id. at 2131. Bruen thus abrogates the two-step, “means-end,” “interest balancing” test that the courts had previously used to sustain gun laws, including the storage law at issue in Jackson. 142 S.Ct. at 2126. Those prior decisions are no longer good law.

The constitutionality of Section HB 307 / SB 858 broad ban on storage in the home obviously turns on strict adherence to Bruen.

The Bill Wrongly Increases the Punishment for Exercising A Constitutional Right: Section 4-203(a) was enacted in 1972, long before public carry was recognized as a constitutional right. Under Bruen, there is a right to carry in public by an otherwise law-abiding citizen of the State. Bruen allows the State to demand that citizens obtain a carry permit, but the underlying holding of Bruen is that “the Second Amendment guarantees a general right to public carry,” 142 S.Ct. at 2135, and that there is a “general right to publicly carry arms for self-defense.” Bruen, 142 S.Ct. at 2134. In contrast, Section 4-203(a) was premised on the theory that the Second Amendment did not even embody an individual right at all, much less that the right applied to the States. Those assumptions were abrogated by the Supreme Court’s decisions in *District of Columbia v. Heller*, 554 U.S. 570, 592 (2008) (recognizing an individual right to keep and bear arms), and *McDonald v. City of Chicago*, 561 U.S. 742, 783-84 (2010) (holding that the Second Amendment was a fundamental right and thus incorporated as against the States).

Bruen now makes clear that the right to keep and bear arms is inviolable and may not be infringed with such vague and undefined restrictions.

I urge the Committees to issue an unfavorable report on these bills.

Michael F Burke, CPP

SB858 HB 307 Testimony.pdf

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Position: UNF

Senate Bill 858/ HB 307

I oppose these bills. They are unworkable in several ways.

- A. [HB 307](#) and [SB 858](#) are the latest iterations of attempts to criminalize how firearms are stored within gun owners' homes. Like last year's bills, these bills contain provisions that are flatly unconstitutional, dangerously vague, and practically impossible to comply with.
- B. For instance, the bills require that firearms be left or stored unloaded and only operable to adults. We know of no manner of firearms storage in which the firearm is operable by an 18-year-old but is not by a 17-year-old or a prohibited person.
- C. Any such storage device must also be secured with a "tamper-resistant" lock, but that term is undefined. Furthermore, the locks approved under current law by the Handgun Roster Board for use with handguns are insufficient under the terms of the bills, as they are not themselves locked containers.
- D. Instead of incentivizing safe storage, the bills leave violators of these vague requirements facing criminal sanctions. We much prefer to approach taken by [Senator Jill Carter's](#) bill, [SB 655](#), which provides incentives for acquiring safe storage devices.

Respectfully,

Steve K. Randol
Odenton, MD