

Maryland General Assembly
Senate Judicial Proceedings Committee, 2023 Session
Testimony in Support (favorable) to HB 750
“Gun Theft Felony Act of 2023”
Written testimony submitted on 27 February, 2023

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

Thank you for taking time to read my testimony **in support** of HB 0750, “Gun Theft Felony Act of 2023”. I have an favorable opinion about this bill, and I am supportive of it. I stand in support of this proposed legislation for a number of reasons. For background, I am a Maryland resident and I reside in Montgomery County. Here are many reasons why I think this bill should be advanced out of the House Judiciary committee.

The Maryland Declaration of Rights recognizes the U.S. Constitution Bill of Rights as the Supreme Law of the Land. This bill does not conflict with the 2nd Amendment and the prescriptions of the recent U.S. Supreme Court Bruen decision because the bill is in keeping with the plain text meaning of the Second Amendment to the U.S. Constitution. The proposed law is analogous to regulations and laws from the 18th century, including the era of the country’s founding. It is within the analogs and norms of all known and referenced historical regulations from the era of the nation’s founding. There are founding era historical analogs to the bill’s proposed regulations. The bill matches the historical tradition of the 18th century and the era of the country’s founding. Therefore, on its face the proposed law is in keeping with the Constitution and the Maryland Declaration of Rights, as well as the requirements from hundreds of years of judicial precedent including the Bruen decision.

It is in compliance with the Maryland Declaration of Rights, including Articles:

2 – Which recognizes that the US Constitution is the Supreme Law of the State, including the 2nd Amendment.

6 – That requires Maryland’s Senators and Delegates to be accountable for their conduct as Trustees of the Public. Because the bill meets the requirement of the Declaration and Bill of Rights, and because the Committee members have been informed and know the Act is in compliance with the Declaration and Bill of Rights, should the bill be made law the Public trust will not be by the Committee members and other General Assembly members.

16 – That sanguinary Laws ought to be avoided as far as it is consistent with the safety of the State; and no Law to inflict cruel and unusual pains and penalties ought to be made in any case, or at any time, hereafter. This proposed law is not sanguinary.

19 – That every man, for any injury done to him in his person or property, ought to have remedy by the course of the Law of the Land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the Law of the Land. This law will ensure that victims of the theft of firearms will have justice for injuries done to the person or property, and remedy.

24 – Which prohibits unconstitutional and illegal loss of liberties, property, personal destruction, etc. If the bill is enacted anyone charged for violating its provisions will be appropriately charged and possibly

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convicted legally and constitutionally. These charges and convictions will not result in unconstitutional and illegal loss of liberty and property, and personal destruction.

25 – That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted, by the Courts of Law. The fines and penalties under this proposed law are not excessive, cruel or unusual.

This bill should be passed with great haste out of committee. This law will help the State reduce murders and criminal firearm usage by making the penalties more appropriate for the theft of a firearm. The bill will help solve the problems of murders and criminal shootings while maintaining respect and protection for civil rights. It is in keeping with lawful governance and rule of law and it complies with the requirements of Supreme Court precedent and jurisprudence. It also restores trust in the Maryland’s elected Trustees. It will help reduce violent crime and protect the most vulnerable people among us, especially women, minorities, people of color and low-income residents who are most often exposed to criminal violence.

PLEASE PASS THIS LEGISLATION WITH ALL DUE HASTE. Thank you for your consideration.

Frank Clary

27 February 2023