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Testimony of Ramya Swami, State Policy Manager, Brady Campaign to Prevent Gun Violence  
**Support for SB 0001 [FAV]**  
Before the Maryland House Judiciary Committee  
March 29, 2023

Dear 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 take action, not sides, and end America’s gun violence epidemic. Brady 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 from coast to coast, red and blue, young and old, liberal and conservative, to combat the epidemic of gun violence. **In furtherance of our goal to reduce firearm violence across Maryland, the Brady Campaign to Prevent Gun Violence is proud to support the passage of SB 1.**

Maryland leaders have persisted in prioritizing the safety and well-being of the people of Maryland by enacting and implementing proactive, research-informed policy solutions that prevent gun violence, save lives, and spare entire communities from loss, trauma and cycles of violence. However, the latest data from the Centers for Disease Control and Prevention shows that 743 people in Maryland are killed by gun violence each year.<sup>1</sup>

These numbers demonstrate that there remains more work to be done, and in the wake of the Supreme Court’s (SCOTUS) decision in *NYSRPA v. Bruen (Bruen)*, which invalidated parts of Maryland’s concealed carry licensing provision, it is imperative that action be taken. Maryland must respond to the SCOTUS decision by passing SB 1, which would ensure the safety of its residents and visitors.

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<sup>1</sup> Centers for Disease Control and Prevention (CDC), *WISQARS Injury Data*, <https://www.cdc.gov/injury/wisqars/index.html>

## Why This Bill is Needed

Since the release of the *Bruen* decision until the end of 2022, it has been reported that Maryland State Police received 79,983 concealed carry permit applications, bringing the year's total of new applications to 85,266.<sup>2</sup> This figure is a more than seven-fold increase compared to 12,189 applications received in all of 2021, and 11,512 in 2020.<sup>3</sup> This is a jarring number and absent action like that proposed in SB 1, those living in and visiting Maryland will be faced with a reality in which guns are everywhere.

Research shows that if Maryland is complacent in its response to the *Bruen* decision and does not implement comprehensive and robust provisions to enhance its concealed carry permitting system, its citizens will face higher risks of homicide, gun theft, and gun violence.<sup>4</sup> A rigorous study of concealed carry laws found that in states with weak concealed carry laws, violent crime rates rose between 13% and 15% after ten years.<sup>5</sup> It is therefore crucial that the legislature acts without delay to pass SB 1. A recent study conducted by the Center for Gun Violence Solutions analyzed the impact of weakened concealed carry permitting systems on violent crimes. The study found that states that loosened their concealed carry permitting systems by adopting a "shall issue" permitting system without robust and object standards for permit issuance saw a 9.5% increase in firearm related assaults over a decade.<sup>6</sup> In the interest of protecting its citizens, Maryland must ensure it has a standardized and robust concealed carry permitting system.

The Supreme Court in *Bruen* left it up to State and local legislatures to restrict the use of firearms in certain "sensitive places," including schools and government buildings. SB 1 is consistent with SCOTUS case law, and will ensure that Maryland stays one of the safest states in the country by enhancing and standardizing its concealed carry licensing requirements and broadening its sensitive place restrictions.

## What This Bill Does

SB 1 ensures that those who are carrying firearms in public have proper licensing, adequate training, and are not at risk of harming themselves or others. It maintains Maryland's requirement for comprehensive background checks for applicants to obtain concealed carry licenses and prohibits the issuing licenses to applicants who have demonstrated a propensity for violence or instability that may reasonably render their possession of a firearm a danger to themselves or to another, and establishes objective criteria for making that assessment. Additionally, the bill strengthens Maryland's training requirements to include live-fire

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<sup>2</sup> Weingarten, D. (February 6, 2023). *With gun law gone, permit applications increased nearly 7 times in Maryland in 2022*. Herald-Mail Media.

<https://www.heraldmillmedia.com/story/news/state/2023/02/06/conceal-carry-permit-applications-rose-in-md-after-us-supreme-court-gun-law-ruling/69864157007/>

<sup>3</sup> See footnote 2.

<sup>4</sup> Wilson, N. (October 4, 2022). *Fact sheet: weakening requirements to carry a concealed firearm increases violent crime*. Center for American Progress.

<https://www.americanprogress.org/article/fact-sheet-weakening-requirements-to-carry-a-concealed-firearm-increases-violent-crime/>

<sup>5</sup> Donohue, J. J., Aneja, A., & Weber, K. D. (June 19, 2017). *Right-to-carry laws and violent crime: A comprehensive assessment using panel data and a state-level synthetic control analysis*. NBER. <https://www.nber.org/papers/w23510>

<sup>6</sup> Doucette, M.L., McCourt, A., Crifasi, C.K., et al.. (September 20, 2022). *Impact of changes to concealed carry weapons laws*. Center For Gun Violence Solutions. <https://doi.org/10.1093/aje/kwac160>

instruction and demonstration of safe handling of, and shooting proficiency with, each firearm the applicant is applying to be licensed to carry.

The Court in *Bruen* deemed the concealed carry permitting systems for Connecticut, Delaware and Rhode Island constitutional.<sup>7</sup> These states have permitting systems with strong systems to vet applicants - which is exactly what SB 1 seeks to implement in Maryland.<sup>8</sup> Further, in his concurring opinion, Justice Kavanaugh reiterated that states whose permitting systems “require a license applicant to undergo fingerprinting, a background check, a mental health records check, and training in firearms handling and in laws regarding the use of force, among other possible requirements,” pass constitutional muster.<sup>9</sup>

SB 1 further outlines “sensitive places” where firearms cannot be carried, such as schools, government buildings, legislative assemblies, polling places, and courthouses – all of which have been explicitly deemed constitutional by the Supreme Court.<sup>10</sup> This bill further prohibits the concealed carry of firearms in child care facilities and places frequented by children, healthcare facilities, all forms of public transportation (except as provided for by State or federal law), and first amendment expressive spaces, like rallies and marches.

Within this legislation, each sensitive place has been evaluated in terms of its individual characteristics. The nature of the activities taking place in each of these locations as well as the presence of certain vulnerable populations warrant each location’s classification as a sensitive place. It would be illogical to deem a swath of locations “not sensitive” simply because the list seems too long. These are all areas where restricting the concealed carry of firearms will only benefit the health and safety of those living in and visiting Maryland.

The reinforcements to Maryland’s permitting system and the sensitive place restrictions introduced in this bill pass constitutional muster. The Supreme Court in *Bruen* made it clear that its holding was “neither a regulatory straightjacket nor a regulatory blank check,” and that restrictions on guns in sensitive places are still permissible, so long as they are objective.<sup>11</sup> Further, in order for a regulation to pass constitutional muster, the Court in *Bruen* does not require a “historical twin,” but rather a historical restriction that’s sufficiently analogous to the modern law being challenged, such that it demonstrates that the new law is “consistent with the Nation’s historical tradition of firearm regulation.”<sup>12</sup> The Duke University Center for Firearms Law<sup>13</sup> and Everytown Law<sup>14</sup> both maintain an archive of historical law in which historical analogs to the regulations proposed in SB 1 may be found.

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<sup>7</sup> *New York State Rifle & Pistol Assn., Inc. v. Bruen*, 597 U.S. \_\_\_\_ (2022). [https://www.supremecourt.gov/opinions/21pdf/20-843\\_7j80.pdf](https://www.supremecourt.gov/opinions/21pdf/20-843_7j80.pdf), Fn. 1.

<sup>8</sup> See footnote 7.

<sup>9</sup> See footnote 7, *Justice Kavanaugh CONCURRING*, p. 2.

<sup>10</sup> See footnote 7, p. 21. “Consider, for example, Heller’s discussion of “longstanding” “laws forbidding the carrying of firearms in sensitive places such as schools and government buildings.” 554 U. S., at 626. Although the historical record yields relatively few 18th- and 19th-century “sensitive places” where weapons were altogether prohibited—e.g., legislative assemblies, polling places, and courthouses—we are also aware of no disputes regarding the lawfulness of such prohibitions.”

<sup>11</sup> See footnote 10.

<sup>12</sup> See footnote 7, p. 8-22.

<sup>13</sup> Duke Center for Firearms Law. *Repository of historical gun laws*. <https://firearmslaw.duke.edu/repository/search-the-repository/>

<sup>14</sup> Everytown Center for the Defense of Gun Safety. *Sensitive places*.

<https://everytownlaw.org/everytown-center-for-the-defense-of-gun-safety/sensitive-places/>

## Conclusion

In light of the SCOTUS decision, immediate action must be taken in Maryland to enhance the concealed carry licensing system. The provisions of SB 1 are consistent with *Bruen* and pass constitutional muster. By implementing comprehensive provisions that will prevent reckless and dangerous people from carrying concealed firearms, Maryland will keep its public spaces—and people—safe from the threat of senseless firearm violence.

**For these reasons, Brady urges a favorable report on SB 1.**

Sincerely,

Ramya Swami  
State Policy Manager  
The Brady Campaign to Prevent Gun Violence