
WRITTEN TESTIMONY OF KATIE NOVOTNY IN OPPOSITION OF
SB001

March 27, 2023

Senate Bill 1, otherwise known as the “Gun Safety Act of 2023” is an absurd attack on the rights of lawful firearms owners. Nothing about this bill will make anyone safer. This is simply a knee-jerk reaction to the Bruen decision by those whose delicate sensibilities are offended by even the *possibility* of being in close proximity to a firearm while out in public. The rights of individuals are not to be eroded based on the feelings of others. Someone simply being *uncomfortable* is not an adequate reason to deny a right. In fact, the Bruen decision soundly rejects the interest balancing method previously used to decide if a gun control law was constitutional. Instead, it replaces with a plain text and historical tradition test. There simply is no historical analog to banning firearms in any place where alcohol may be consumed, or cannabis. The Bruen decision lays out 5 locations with known historical analogs where prohibitions are permitted. Many places specified as sensitive in this bill are not amongst them. Furthermore, it was stated in the decision that states could not make entire areas off limits, such as restricting firearms from Manhattan. That is exactly what this bill proposes to do. Even in news conferences, the bills sponsor states that citizens would still be able to carry in their own homes, and in homes of others with permission. Sen Waldstreicher is not even attempting to hide the fact that this eliminates a functional system in which a person may wear and carry a firearm. In fact, that is a feature, not a fault, to gun control activists. This is blatantly unconstitutional.

Prior to the Bruen decision, a massive majority of the country had liberal permitting processes known as “shall issue” or even permitless carry. Having a large number of legally armed citizens moving throughout the community is not unusual or dangerous. Because of the expansion of the ability of people to obtain permits to wear and carry firearms, we have data proving that concealed carry permit holders do not contribute to crime. The January 2019 study published by the American College of Surgeons found this conclusion: “This study demonstrated no statistically significant association between the liberalization of state level firearm carry legislation over the last 30 years and the rates of homicides or other violent crime. Policy efforts aimed at injury prevention and the reduction of firearm-related violence should likely investigate other targets for potential intervention.”

<https://www.sciencedirect.com/science/article/abs/pii/S107275151832074X>

The NY Times recently published an article claiming that guns stolen from parked cars is now the largest source of stolen guns [The Largest Source of Stolen Guns? Parked Cars. - The New York Times \(nytimes.com\)](#). Even the Chair of JPR, who supported this legislation, retweeted this article, while supporting policies that force leaving guns in cars. Yet policies such as this, leave permit holders few choices when they need to go to a location that is a newly minted gun free zone. Of course, the preferred policy of gun control activists is that we just leave it home altogether, that these policies just force gun owners to not carry at all. That is not the reality. Instead, we will carry where we can, and secure them in our vehicles when we must. However, that only keeps honest people out as windows are easy to break, cables are easy to cut, and small, vehicle sized lock boxes are then easily carried away and broken open. Indeed, the gun control advocates are already hinting at their next pet policy choice: vehicle storage requirements <https://twitter.com/DanielWebster1/status/1639645211034001410?t=5Lkiuf3ycMhizWAcDYJMDA&s=19>. It is a mistake to force permit holders to leave their firearms, and themselves, unprotected in this manner.

Additionally, every holster/unholster action is a risk for a negligent discharge. The safest place for the firearm is securely in the waistband, rather than having to holster/unholster in public places, while trying to shield their activity from the public. While at home, a person may easily and safely perform this action. Trying to do this while seated in a vehicle or while trying to hide behind a car door is dangerous and frankly unnecessary.

The ban on firearms in any places that sells alcohol or cannabis for on site consumption is absurd. Obviously people should not be getting intoxicated while carrying, just as they should not be getting intoxicated then driving. Yet bars still have parking lots. Most restaurants sell alcohol, yet it is not a requirement to drink while eating dinner. Many patrons do not drink alcohol with dinner even while not carrying a firearm. This ban will leave patrons vulnerable as criminals will know these are now gun free zones. This even leaves the business owners unprotected as there is no exemption for themselves. This is overly broad. An Applebees is no more sensitive than a McDonalds. Furthermore, it was routine for people to be armed in pubs when the Bill of Rights was written.

The extensive list of other broad “special purpose areas” is likewise excessive and unconstitutional. There is no historical analog to these places either. Does a video lottery terminal include a gas station that offers Racetrax or Keno? At the least this bill should include mandatory posting of these areas so that people may not inadvertently run afoul of these restrictions. A stop at a Royal Farms for some lunch, and not realizing it is prohibited because of a video lottery game should not put a person at risk of prosecution.

There is data available for many states crime rates for before and then after the introduction of shall issue permitting. Florida, and especially Dade County, tracked crime rates and other relevant data from the time they enacted carry reform in 1987 until August 31, 1992. They stopped at that point because it was clear there was no need to continue because of how rare incidents with permit holders were. The numbers from this study were as follows: A total of 6 permit holders were convicted of perpetrating crimes with firearms; Just 13 permit holders used their firearms to thwart or attempt to thwart crimes; and there was no known incident of a permit holder intervening in an incompetent or dangerous manner, such as shooting an innocent bystander by mistake. This data was taken from the study titled "Shall Issue": The New Wave of Concealed Handgun Permit Laws" <http://www.davekopel.org/2A/LawRev/Shall%20Issue.pdf>

As of 2022, Maine, Vermont and New Hampshire were rated as the three safest states, and they are all Constitutional Carry. From 2014 to 2018, Illinois had an average of over 189,000 active permits. Over that same period, no one had been convicted of committing a crime with their permitted concealed handgun. <https://crimeresearch.org/2018/06/illinois-more-evidence-that-concealed-handgun-permitsholders-are-extremely-law-abiding/> In 2017, Milwaukee, Wisconsin's police union president stated that they had not arrested even one permit holder since they went shall issue in 2011.

Studies also show that concealed carry permit holders are more law abiding than even police officers. <https://www.dailywire.com/news/report-concealed-carry-permit-holders-are-most-law-abiding/> Firearms violations rates for police officers are at 16.5 per 100,000. In Texas and Florida, for permit holders, that rate is only 2.4 per 100,000.

Even pre-Bruen, when Maryland was operating under a may-issue permitting scheme, people were able to obtain handgun permits for the purpose of defending themselves against documented threats, or to protect their business. This bill would strip these people of their defense to such attacks, which was recognized as valid, even BEFORE the Supreme Court found "good and substantial" reason requirements unconstitutional. It strips victims of domestic abuse, those with threats against them, and other vulnerable people, of their means of self defense, while offering no guarantee of safety. The police have no duty to protect, and it is well documented that do not contact orders rarely are effective at preventing harm. This law will not stop someone intent on doing harm. They will simply ignore the law, and use it as an opportunity to attack unarmed people. 97.8% of mass shootings occur in gun free zones.

As of Jan 3, 2023, there were over 1.5 million license to carry permits active in Pennsylvania, out of a state population of about 12.8M. To our south, Virginia has issued about

685K license, out of a state population of 8.6M. The bottom line is, with the large percentages of permit holders in these states, if issuing handgun permits created a wild west situation, we would be surrounded by violence to our north and south. Instead, members of this body wish to ignore statistics and data and eviscerate the right of citizens to armed self defense in this state. Leaving us as sitting ducks to violent crime which is spiraling out of control, with no solutions in sight other than further restricting the rights of peaceful and lawful gun owners.

I respectfully request an unfavorable report.

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