



## Testimony in **Support** of

Public Safety - Regulated Firearms - Possession and Permits to Carry,  
Wear, and Transport a Handgun

### **HB824**

Executive Director Karen Herren  
Marylanders to Prevent Gun Violence

February 22, 2023

Dear Chair Clippinger, Vice-Chair Moon, and distinguished members of the Committee,

Marylanders to Prevent Gun Violence (MPGV) 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 824 which seeks to respond to the recent Supreme Court decision impacting the process of Maryland's firearm wear and carry permitting system.

### **BACKGROUND**

In June of 2022, the U.S. Supreme Court handed down a decision in *New York State Rifle & Pistol Ass. v. Bruen* which directly addressed the constitutionality of what was frequently referred to as "May Carry" permitting processes. Essentially, within "May Carry" jurisdictions, states could choose to grant individuals a permit allowing them to carry a firearm in public. In the *Bruen* decision, the Court decided for the first time that the Second Amendment confers a constitutional right to carry a gun outside of the home. They voided a New York requirement that a concealed carry permit applicant demonstrate "proper cause," or a special need for self-defense.

Maryland's structure for carrying firearms in public has a requirement similar to that in the NY law requiring that an applicant needs to have a "good and substantial" reason for carrying a firearm in public. Maryland's status as a "May-Issue" state goes back at least 50 years. In addition to limiting the number of public carry permits in the state, this framework also allowed Maryland State Police (MSP) to grant permits with restrictions so

that the permit holder was only allowed to public carry in circumstances that met the “good and substantial” need, not all of the time.

As recently as 1990 the vast majority of states were either “May Issue” or the even more restrictive “No Issue” states. Only 11 states were “Shall-Issue” and only 1 state was Permitless. That landscape is markedly different today, with only about 5 states having been able to hold onto their stricter “May-Issue” status prior to the *Bruen* decision being handed down. This movement coincides with increased marketing and lobbying by the gun industry to expand sales and increase political pressure. In *Bruen*, Maryland was specifically called out as having a law affected by the ruling.

## **MARYLAND POST BRUEN**

In the immediate aftermath of the decision, MSP lifted the restrictions on all current permit holders holding restricted permits (those permits that only allowed public carry for particular reasons). This immediately allowed thousands of permit holders to carry guns in spaces that they had not been allowed to carry the day before. In addition to those, MSP saw 96,892 permit applications filed in 2022 and granted 80,601. As a comparison, the prior year saw only 18,849 applications and 18,667 granted.

Research indicates that more guns in public spaces equals more gun violence. From accidental discharges, like the one that occurred at Arundel Mills Mall in October to road rage incidents like the one in Pikesville in November that claimed the life of a 29-year-old tow truck driver to vigilante deadly force being deployed by a scared shop owner against an unmarked police vehicle in December, guns carried into public spaces lead to more gun violence.

The *Bruen* court specifically endorsed the "shall issue" carry permit licensing systems of the 43 states that didn't require a showing of "proper cause." Justice Kavanaugh, in his concurrence with Justice Roberts says plainly:

*"First, the Court's decision does not prohibit States from imposing licensing requirements for carrying a handgun for self-defense. In particular, the Court's decision does not affect the existing licensing regimes—known as “shall-issue” regimes—that are employed in 43 States."*

Those 43 states' laws include all the same sort of requirements that are included in the permitting process portion of Maryland's current law and the adjustments of HB824 --minimum age requirements, disqualifying offenses, training mandates, etc.

## **STRENGTHENING MARYLAND'S CHILD ACCESS PREVENTION LAW**

In conjunction with HB307 (Jaelynn’s Law) strengthening the storage requirements and raising the age of protection for Maryland’s safe storage of firearms law, HB 824 takes the logical next step by determining that those convicted of multiple CAP law infractions or a single serious infraction are inappropriate for firearm ownership. Regardless of the constitutional status of firearm ownership, access to firearms is an enormous responsibility. It is clear that even this Supreme Court agrees that a demonstration of unsuitability for doing so can be used to restrict access. Justice Alito states:

*“Our holding decides nothing about who may lawfully possess a firearm or the requirements that must be met to buy a gun. Nor does it decide anything about the kinds of weapons that people may possess. Nor have we disturbed anything that we said in Heller or McDonald v. Chicago, 561 U. S. 742 (2010), about restrictions that may be imposed on the possession or carrying of guns.”*

## **STRENGTHENING THE PERMITTING PROCESS**

This legislation is designed to address gun violence getting significantly worse in Maryland because of the spike in the number of guns being carried into public spaces. The research is clear that more guns in public spaces leads to more gun violence.<sup>1</sup> We may not be able to completely counter the number of permits that MSP is now issuing, but we can put guardrails in place to try to ensure that the people being granted permits have been thoroughly vetted to ensure that they have not previously demonstrated a propensity for violence, that they are adequately trained for the unique circumstances of carrying a lethal weapon into public spaces, and that they continue to maintain those standards after they are issued a permit.

“The common trope is that places like Baltimore or Detroit or Chicago are the reason we have so many gun deaths in this country,” Cass Crifasi, PhD, MPH, the director of research and policy at Johns Hopkins Bloomberg School of Public Health, told the Chicago Tribune. “And yes, those places ... have unacceptable rates of gun homicides. But the places with the highest rates of death are not Maryland, Michigan, and Illinois. They are Mississippi, Louisiana, Wyoming, Missouri, and Alabama. The places with weaker gun laws have higher rates of death. ... More people died from guns in Texas than Illinois, when suicide and accidental shootings are included.”

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<https://publichealth.jhu.edu/2022/study-finds-significant-increase-in-firearm-assaults-in-states-that-relaxed-conceal-carry-permit-restrictions>

“Most countries don’t have a problem with fatal mass shootings,” [Daniel Webster](#), ScD, MPH, Johns Hopkins Bloomberg School of Public Health, told [Fox News in LA](#). “Most countries do not have anywhere close to the rates of homicides that we do. It’s driven principally ... because we have decided to make guns readily available to almost anyone, and our interests seem to be more in protecting those who sell weapons and want to own them as opposed to the broader public.”

The goal of **HB824** is to make sure that the people who are authorized to carry firearms into public spaces are adequately trained and determined by the State to be people who do not demonstrate a propensity for violence.

## **CONCLUSION**

MPGV would welcome the addition of enumerated sensitive places within the Maryland Code in which the public carry of firearms would not be allowed. The Supreme Court emphasized that there are still spaces where the public carrying of firearms may be deemed inappropriate. Clearly codifying those sensitive locations with enough specificity to provide clear guidance to permit holders combined with the modifications to the possession and permitting processes enumerated in **HB 824** are common sense steps to help protect the citizens of Maryland.

MPGV urges a **FAVORABLE** report on **HB824**.



[A Lott of Lies: Debunking John Lott, the NRA's Favorite Academic Fact Sheet](#)

March 6, 2019

[OVERVIEW](#)

Economist John R. Lott Jr., author of the 1998 book *More Guns, Less Crime*, has been touted as an expert by the corporate gun lobby, including the National Rifle Association. Lott's most prominent claims have been decisively refuted, yet he is still cited and published by media outlets including *The New York Times*, *Washington Post*, *Wall Street Journal*, *LA Times*, *CNN*, and *Fox*. In recent years, he has testified as an expert witness in Michigan, Tennessee, Wyoming, Nevada, and even the US Senate. Lott is currently the president of The Crime Prevention Research Center, where he promotes his book *The War On Guns* which has received rave reviews from prominent conservative politicians. But beneath the accolades, Lott has committed a host of ethical violations. In addition, his research is riddled with numerous flaws and inaccuracies, all of which completely undermines his credibility.

[SIGNIFICANT ETHICAL VIOLATIONS](#)

**John Lott has been caught:**

- Fraudulently claiming to have published a study in the peer-reviewed *Econ Journal Watch* even though the journal had rejected his paper. <sup>1</sup>
- Falsely claiming that the mass shooting rate in Europe is equivalent to that in the United States while his own research actually showed that the US had double Europe's rate. <sup>2</sup>
- Falsely claiming that more than 99% of Brady background check denials are errors. An Inspector General's report revealed that these background check denials are accurate in 99.8% of cases. <sup>3</sup>
- Fabricating an entire survey on defensive gun use. When asked to provide hard evidence of the survey, he claimed all the data had been lost in a computer crash. <sup>4</sup>
- Repeatedly supporting studies that have significant errors that either nullify or reverse their results. <sup>5,6</sup>
- Frequently hiding his work behind fake identities. In 2003, Lott was uncovered as having invented the identity Mary Rosh -- who claimed to be a former student of Lott's -- to defend his own work. <sup>7</sup> And in 2015, Lott was uncovered as the real author of a first person account by stalking victim Taylor Woolrich. <sup>8</sup>

[www.GVPedia.org](http://www.GVPedia.org)

[LOTT'S FLAWED RESEARCH](#)

John Lott's status as a credible expert rests on two deeply flawed foundations: his original research on Right-to-Carry (RTC) laws and newer research on whether gun-free zones attract mass shooters.

Lott's research claims that passing RTC laws dramatically reduces rates of violent crime. However:

- In 2004, the National Research Council voted 15-1 that the current evidence could not support Lott's claim that Right-to-Carry laws reduce crime. <sup>9</sup>
  - A majority of national research since 2005 finds that right to carry laws increase violent crime. <sup>10</sup> ([GVPedia Concealed Carry Literature Review](#))
- Lott's research on the intersection of gun-free zones and mass shootings makes three claims: that RTC laws greatly reduce such shootings; that only 4 mass shootings (where 4 or more people are killed) since 1950 have occurred in areas that did not ban firearms; and that citizens with concealed carry permits frequently stop would-be mass shootings. Yet:
- A peer-reviewed 2002 study found no evidence that RTC laws reduce mass public shootings. <sup>11</sup>
  - Lott's own research indicates that at least six additional mass shootings didn't occur in areas that banned guns. <sup>12</sup>
  - His research misclassifies a significant number of mass shootings that actually occurred in areas allowing guns, ranging from Hialeah, Florida to Umpqua Community College in Oregon. <sup>13</sup>
  - An FBI report of 160 active shooting events found that only 1 was stopped by a concealed carry permit holder, compared with 4 by armed guards, 2 by off-duty police, and 21 by unarmed civilians. <sup>14</sup>

For more information, contact Devin Hughes, CFA at [Devin@GVPedia.org](mailto:Devin@GVPedia.org).

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2. Ibid
3. <https://oig.justice.gov/reports/2016/a1632.pdf>
4. <http://www.armedwithreason.com/shooting-down-the-gun-lobbys-favorite-academic-a-lott-of-lies/>
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12. <https://thinkprogress.org/debunking-john-lott-5456e83cf326#.yjq5yv7x>
13. <http://www.vox.com/2016/8/30/12700222/nra-social-scientist-claims-debunked>
14. <https://www.thetrace.org/2015/06/gun-rights-advocates-say-that-places-that-ban-guns-attract-mass-shooters-the-data-says-theyre-wrong/>