

To: Judicial Proceedings Committee
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TESTIMONY IN SUPPORT OF SB 1

Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee: thank you for the opportunity to provide this testimony on behalf of Giffords, the gun violence prevention organization led by former Congresswoman Gabby Giffords. I am writing in support of Senate Bill 1, the Gun Safety Act of 2023, which will provide critical updates to state law on the carrying of concealed firearms following the U.S. Supreme Court’s decision in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S. Ct. 2111 (2022). The Gun Safety Act will update the law on licensing firearms and set new and critically important parameters on where concealed firearms can be carried, within the Constitutionally permissible boundaries articulated by the Supreme Court.

THE GUN SAFETY ACT IS A NECESSARY RESPONSE TO THE SUPREME COURT DECISION ON CONCEALED CARRY

In *Bruen*, the Supreme Court identified Maryland as one of six states with a law “under which authorities have discretion to deny concealed-carry licenses even when the applicant satisfies the statutory criteria, usually because the applicant has not demonstrated cause or suitability for the relevant license.” *Id.* at 2124. It went on to hold such discretion unconstitutional under the Second Amendment.

However, *Bruen* also made it clear that many regulations implicating Second Amendment rights will survive scrutiny. The majority opinion emphasized that its holding was “neither a regulatory straightjacket nor a regulatory blank check,” and that many common regulations, such as restrictions on guns in sensitive places, can continue. *Id.* at 2133–34. Likewise, the concurrences emphasized the Court’s narrow focus on the specific provision of law at issue: the “proper cause” standard for issuance of concealed carry licenses. Justice Alito noted that the opinion “decides nothing” about who may purchase a gun, what requirements must be met to purchase a gun, or the kinds of guns that can be available for purchase. *Id.* at 2757 (Alito, J. concurring). And Justice Kavanaugh, joined by Chief Justice Roberts, further clarified that states are still permitted to impose licensing requirements so long as they are objective, and that sensitive place restrictions are constitutional. *Id.* at 2162–63 (Kavanaugh, J. concurring). As Justice Kavanaugh summarized, “[p]roperly interpreted, the Second Amendment allows a ‘variety’ of gun regulations.” *Id.* at 2162 (Kavanaugh, J. concurring).

Bruen rejected the previous consensus position of the lower courts that heightened scrutiny is appropriate in assessing the constitutionality of firearm laws, declaring instead that courts should

use a test focusing on text, history, and tradition. It is worth noting that there were numerous laws that spelled out licensing schemes and restricted public carry throughout the states during Reconstruction, a timeframe the *Bruen* court noted was relevant for its historical analysis, particularly with respect to state laws. *Bruen*, 142 S. Ct. 2111 at 2138. Dozens of these types of laws were enacted during this time, affecting millions of Americans. See Saul Cornell, *History and Tradition or Fantasy and Fiction: Which Version of the Past Will the Supreme Court Choose in NYSRPA v. Bruen?*, 49 Hastings Const. L.Q. 145, 169 (2022). Consistent with Maryland’s interests in passing SB 1, these laws were enacted with a goal of protecting public safety and were a direct response to “newly-rising levels of gun violence.” *Id.* at 168.

SOCIAL SCIENCE SUPPORTS THE GUN SAFETY ACT AS A PUBLIC SAFETY INTERVENTION

On the question of guns in public, the social science is clear: more permissive public carry laws and more guns in public places make us less safe, not more safe.

Studies consistently demonstrate that lenient right-to-carry (RTC) laws are associated with increased violent crime and homicide rates. Indeed, “the predominant conclusion from studies in the last five years has been that RTC laws increase violent crime.”¹ Stanford professor John Donohue’s work in this area shows persistent increases in violent crime rates in states with more permissive licensing regimes. In a June 2022 study analyzing a sample drawn from 47 major U.S. cities, Donohue and his colleagues concluded that right-to-carry gun laws “increase overall firearm violent crime as well as the component crimes of firearm robbery and firearm aggravated assault by remarkably large amounts with an attendant finding of no sign of any benefit from RTC laws.”²

In particular, Donohue’s study finds that these lenient RTC laws lead to 29 and 32 percent increases in firearm violent crime and firearm robbery respectively.³ Moreover, the study found a “massive 35 percent increase in gun theft, with further crime stimulus flowing from diminished police effectiveness.”⁴ Indeed, the study observes that right-to-carry laws “cause a roughly 13 percent decline in the rates that police clear violent crime, suggesting that [right-to-carry] laws strike at the very heart of law enforcement’s abilities to address criminal conduct.”⁵ Further compounding the danger posed by more guns in public, and as discussed in more detail below, social science research confirms that guns are rarely used in self-defense, and are likely to cause harm on innocent bystanders when they are. Indeed, Donohue and his colleagues conclude that “any such [deterrent] benefits are substantially offset by the crime-enhancing impacts of increased gun carrying.”⁶

¹ See John Donohue et al., *More Guns, More Unintended Consequences: The Effects of Right-to-Carry on Criminal Behavior and Policing in U.S. Cities*, at 1 (Nat’l Bureau of Econ. Res. Working Paper No. 30190, June 2022).

² *Id.* at 25.

³ See *id.*, at 3, 25.

⁴ *Id.* at 27.

⁵ *Id.* at 3.

⁶ Donohue et al., *supra* note 2 at 2.

Another recent study of states that moved from a may-issue to a RTC regime from 1980 to 2019 found that this move to weaker laws “was associated with a 9.5% increase in rates of assaults with firearms during the first 10-years post-law adoption and associated with an 8.8% increase in rates of homicides by other means.”⁷ What’s more, the study found that states that removed training, discretion, and violent misdemeanor prohibitions as part of this move saw increases in violence. States that retained some of these features when moving to shall issue did not see such big increases in violence.

This recent research is supported by a long line of social science research that confirms lenient gun laws increase violent crime.⁸ For example, in December 2017, researchers at Boston University and Duke University released the first-ever analysis of the impact of concealed carry laws on handgun and long-gun homicide rates.⁹ Their study concluded that permissive right-to-carry concealed carry laws were significantly associated with higher crime rates—in particular, 6.5 percent higher total homicide rates, 8.6 percent higher firearm-related homicide rates, and 10.6 percent higher handgun-specific homicide rates, compared to states with stronger regulations.¹⁰ This robust body of evidence confirms that, just as American governments have traditionally sought to protect their citizens by restricting the public use of guns, the new licensing standards in the Gun Safety Act will promote public safety by protecting the public from statistically-proven increases in violent crime and firearm homicide.

CONCLUSION

Social science demonstrates that more guns do not make the public safer—in fact, it tends to have the opposite effect. While the Supreme Court has limited the ability of law enforcement officers in Maryland to exercise discretion when determining who can carry a gun in public, there remain many important avenues available to make sure that those who are carrying are doing so safely, and are not taking guns into especially sensitive places.

The Gun Safety Act will accomplish both of these goals, in line with the social science data that shows guns in public pose dangers, and ensure that those who do carry guns in public are doing so safely. I urge you to advance this bill in the interest of public safety, just as governments have done since the founding.

⁷ Mitchell L. Doucette et al., *Impact of Changes to Concealed Carry Weapons Laws on Fatal and Nonfatal Violent Crime, 1980-2019*, AM J EPIDEMIOLOGY. (2022), <https://pubmed.ncbi.nlm.nih.gov/36104849/>.

⁸ See, e.g., Rashna Ginwalla et al., *Repeal of the Concealed Weapons Law and Its Impact on Gun-Related Injuries and Deaths*, 76 J. TRAUMA ACUTE CARE SURG. 569, 569, 573 (2014), <http://www.academia.edu/10480999> (lax concealed carry permitting laws are associated with increased gun fatalities); Daniel W. Webster et al., *Firearms on College Campuses: Research Evidence and Policy Implications* 8 (Oct. 15, 2016) (discussing data on 111 high-fatality mass shootings from 1966–2015, finding that in the 41 states with RTC laws or no concealed carry regulations, the average death toll in high-fatality mass shootings increased following the implementation of an RTC law).

⁹ Siegel et al., *Easiness of Legal Access to Concealed Firearm Permits and Homicide Rates in the United States*, AM. J. PUB. HEALTH, Dec. 2017, at 1.

¹⁰ *Id.*



Respectfully Submitted,

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ABOUT GIFFORDS

Giffords is a nonprofit organization dedicated to saving lives from gun violence. Founded and led by former Congresswoman Gabrielle Giffords, Giffords inspires the courage of people from all walks of life to make America safer.