

Good day, ladies and gentlemen. My name is Julio Barreto. I appreciate the opportunity to submit written comments on [HB 481](#). I understand this bill has been submitted with the support of Baltimore's new State's Attorney, Ivan Bates.

I am a law abiding citizen currently living in Montgomery County; however, I do extensive work in West Baltimore to relieve the community of blight and devastation by creating home ownership opportunities to those with interest in pursuing the purchase of a home. I have been a Maryland and Montgomery County resident for almost 40 years and a gun owner for the last several years and have been issued my wear and carry permit. I am also a member of Maryland Shall Issue and support their comments in opposition to this bill.

I have spent my professional career representing local governments in various capacities including drugs, crime and community policing issues, <https://www.linkedin.com/in/juliobarretojr/>. I am very familiar with the issues elected officials are trying address, but this legislation does not do that.

It increases the penalty for the illegal wear, carry, or transport of a handgun from up to three years to five years. While proponents see the increase as a necessary tool to combat violent criminals, the likely reality is that more innocent, otherwise law-abiding Marylanders will go to jail. The law the bill amends, MD Code, Public Safety, § 4-203, was first enacted in 1972 before the State was compelled to recognize the right to keep and bear arms outside the home. As Maryland Shall Issue has written extensively on before, a violation of Section 4-203(a)(1) is a strict liability crime, meaning it doesn't matter if the violator intended to break the law. For a permit holder, this is critically important to understand. Simply forgetting the permit at home or incidentally carrying in any of the numerous gun-free zones within the state leaves one vulnerable to prosecution under Section 4-203. A conviction of under Section 4-203 is permanently disqualifying.

If anything, Section 4-203 should be amended to include a "mens rea" element that makes clear that the State must show that the defendant "knowingly" violated Section 4-203. Such a requirement is found in other areas of State firearms law and in virtually all federal firearms statutes. Section 4-203 should likewise amend Section 4-203 so that the penalty for an otherwise law-abiding individual should amount to no more than a fine. Certainly, any term of imprisonment should not exceed two years, as more than two years is what triggers the federal and State lifetime prohibition on firearms possession. There are other tools available to prosecutors to deal with violent criminals. Adding two years won't dissuade those who don't care for public safety from committing violent acts, but it will make carrying a firearm for self-defense more legally dangerous for the peaceable, law-abiding Marylander. Please do not support this bill. Enclosed is a link to the Maryland Shall Issue site and their full testimony on the legislation. <https://www.marylandshallissue.org/jmain/legislation-tracker/325-2023hb481-opp>

Gun owners are taught strict safety rules and understand firearms are used only for hunting and self-protection only when the use of a firearm is the last resort. We are all taught that the best gun fight is the one we are not a part of and during active shooter situations your first responsibility is to remove yourself from potential danger not attempt to be a hero. We are not criminals or irresponsible villains who need to be fear or have our rights restricted. **I urge a vote of NO on this legislation.**

Thank You