

Maryland General Assembly
Senate Judicial Proceedings Committee, 2023 Session
Testimony in Support (favorable, with amendments) to HB 1030
“Task Force to Study Murder Prevention and Reduction in Maryland”
Written testimony submitted on 03 March, 2023

To the Chair, members and staff of the 2023 House Judiciary Committee,

Thank you for taking time to read my testimony **in support** of HB 1030 (with amendments), “Task Force to Study Murder Prevention and Reduction in Maryland”. I have a favorable opinion of the general premise of this bill, and I am generally supportive of it – as long as the task force includes equity in its composition. For background, I am a Maryland resident and I reside in Montgomery County. Here are some reasons why I think this bill should be advanced out of the House Judiciary committee.

Without a doubt we can state that Maryland has a substantial problem with murders, as well as other violent crime. Right now less than half of murders in Maryland result in an arrest. Not a conviction, just an arrest. Most violent crimes have similar results. These phenomena must be assessed and studied so lawful remedies may be advanced to solve the problems. The only way these problems will be solved is if ALL segments of society equally participate, including segments with divergent social and political viewpoints. Murder and violent crime affects all of us, and only by cooperating can we hope to solve the problems these phenomena create.

To ensure that ALL segments of society are equally represented in this legislation, I propose the following amendments to it. If the amendments are incorporated I would support this law, and I’d be willing to engage with those who are on the Task Force.

Please consider the following amendments to the draft legislation:

SECTION 1.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, one each from the two most represented political parties in the Senate, appointed by the President of the Senate;

Comment: This ensures that the Senate has balanced social and ideological representation on the Task Force, and outcomes will have the backing of the full Senate.

(2) two members of the House of Delegates, , one each from the two most represented political parties in the Senate, appointed by the Speaker of the House;

Comment: This ensures that the House has balanced social and ideological representation on the Task Force, and outcomes will have the backing of the full House.

(3) the Secretary of State Police, or the Secretary’s designee;

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(4) two representatives nominated and elected by the Maryland Fraternal Order of the Police membership;

Comment: This ensures that the body of active and retired police officers can bring their voices to the table as a group.

(5) two representatives of the Maryland Sheriffs’ Association, nominated and elected by the full membership of the Association;

Comment: This ensures that the Association members have the full backing of all the Sheriffs throughout the state.

(6) two representatives from the Maryland Office of the Public Defender, nominated and elected by the body of Public Defenders working throughout the state; and

Comment: This ensures that members of the Public Defender’s Office are putting people on the Task Force that have the most practical experience.

(7) The Governor shall appoint the following members, and all such appointments shall require balanced diversity of opinion with regard to the composition of the Governor’s appointees as related to the right to self-defense, firearm ownership and the 2nd Amendment.

(i) one representative from the State Board of Education;

(ii) one representative from the Department of Housing and Community Development;

(iii) one representative from the Maryland Department of Health;

(iv) three representatives from State social services agencies;

(v) six representatives from local community organizations including:

- Three organizations that advocate for the right to armed self-defense in and outside of the home, the right to firearm ownership, and in support of the historical importance of the tradition of the 2nd Amendment; and

- Three organizations that advocate for reduced access to firearms and firearm ownership, reduced right to armed self-defense in and outside the home, and in support of broader restrictions to the 2nd Amendment rights.

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(vi) **two** members from different communities from business, industry, labor, religious, welfare, education, or other major groups or interests in their communities. **The Task Force shall have at least two members representing the firearm industry.**

Comment: This ensures that the community is actively participating across segments and interests. The Governor’s appointees should have an equal number of participants between those that are in support of greater firearm restrictions and those that are in support of greater 2nd Amendment rights. It ensures that the Governor will appoint members to the Task Force, even if they have viewpoints and opinions which strongly differ from his own.

(f) The Task Force shall:

(1) study the causes of murder in the State by conducting a comprehensive examination of factors contributing to homicides, including:

(i) socioeconomic factors such as **family status and relationships, divorce, out-of-wedlock births, faith (as related or correlated to murder and violent crime incidents, data and experience)**, poverty, unemployment, and income inequality;

(ii) access to firearms and illegal gun trafficking;

(iii) gang and organized crime activity, **including illicit drug related criminal activity**;

(iv) domestic violence and intimate partner violence;

(v) mental illness, substance abuse, and childhood trauma; and

(vi) systemic racism and discrimination of marginalized communities;

Comment: The Task Force should examine the status of the family and faith as it relates to murder in the State of Maryland. There is an undeniable correlation between murder and the status of the family in the State, as well as faith.

Like many other states, Maryland is struggling with horrific levels of murder and criminal violence. Solving these issues will require Marylanders from ALL segments to engage and cooperate. Maryland is a diverse state, and its diversity runs deeper than racial, religious, ethnic and economic diversity. Maryland also has a great deal of political-ideological and social diversity. These are Maryland’s strengths. What better way to solve this common problem than to leverage our collective strengths for mutual benefit? We will only be able to solve these problems by working together on them. If this Task Force is turned into a one-way, political-ideological cudgel that will be used to suppress civil rights and/or alienate half of the population, its goals will not be achieved. Murders will continue to increase, and Maryland’s social fabric will only be further damaged by creating more divisiveness. This must be avoided at all costs.

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Importantly, any recommendations that come out of this Task Force must be compatible with the Maryland Declaration of Rights and the U.S. Constitution Bill of Rights. All adopted recommendations must be made keeping with the plain text meaning of the Second Amendment to the U.S. Constitution. Regulatory recommendations must be analogous to regulations and laws from the 18th century, especially to the era of the country’s founding. And the recommendations must match the historical traditions of the 18th century and the era of the country’s founding. The only way this Task Force will be able to achieve these things is if there is broad and balanced participation from each side of the political-ideological spectrum.

Given the Task Force scope, goals and proposed composition, all of the Task Force participants, activities and recommendations must also comply with the following Articles of the Maryland Declaration of Rights:

Article 1. That all Government of right originates from the People, is founded in compact only, and instituted solely for the good of the whole; ...

Article 2. Which recognizes that the US Constitution is the Supreme Law of the State, including the 2nd Amendment.

Article 4. That the People of this State have the sole and exclusive right of regulating the internal government and police thereof, as a free, sovereign and independent State.

Article 6. Requires Maryland’s Senators and Delegates to be accountable for their conduct as Trustees of the Public.

Article 8. That the Legislative, Executive and Judicial powers of Government ought to be forever separate and distinct from each other; and no person exercising the functions of one of said Departments shall assume or discharge the duties of any other.

Article 9. That no power of suspending Laws or the execution of Laws, unless by, or derived from the Legislature, ought to be exercised, or allowed.

Article 16. That sanguinary Laws ought to be avoided as far as it is consistent with the safety of the State; and no Law to inflict cruel and unusual pains and penalties ought to be made in any case, or at any time, hereafter.

Article 17. That retrospective Laws, punishing acts committed before the existence of such Laws, and by them only declared criminal are oppressive, unjust and incompatible with liberty; wherefore, no ex post facto Law ought to be made; nor any retrospective oath or restriction be imposed, or required.

Article 18. That no Law to attain particular persons of treason **or felony**, ought to be made in any case, or at any time, hereafter.

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Article 19. That every man, for any injury done to him in his person or property, ought to have remedy by the course of the Law of the Land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the Law of the Land.

Article 24. That no man ought to be taken or imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or, in any manner, destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the Law of the land 25 – That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted, by the Courts of Law.

Article 25. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted, by the Courts of Law.

Article 28. That a well regulated Militia is the proper and natural defence of a free Government.

Article 29. That Standing Armies are dangerous to liberty, and ought not to be raised, or kept up, without the consent of the Legislature.

Article 30. That in all cases, and at all times, the military ought to be under strict subordination to, and control of, the civil power.

Article 36. That as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him, all persons are equally entitled to protection in their religious liberty; wherefore, no person ought by any law to be molested in his person or estate, on account of his religious persuasion, or profession, or for his religious practice, unless, under the color of religion, he shall disturb the good order, peace or safety of the State, or shall infringe the laws of morality, or injure others in their natural, civil or religious rights; nor ought any person to be compelled to frequent, or maintain, or contribute, unless on contract, to maintain, any place of worship, or any ministry; nor shall any person, otherwise competent, be deemed incompetent as a witness, or juror, on account of his religious belief; provided, he believes in the existence of God, and that under His dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor either in this world or in the world to come.

Nothing shall prohibit or require the making reference to belief in, reliance upon, or invoking the aid of God or a Supreme Being in any governmental or public document, proceeding, activity, ceremony, school, institution, or place.

Nothing in this article shall constitute an establishment of religion.

Article 37. That no religious test ought ever to be required as a qualification for any office of profit or trust in this State, other than a declaration of belief in the existence of God; nor shall the Legislature prescribe any other oath of office than the oath prescribed by this Constitution.

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Article 44. That the provisions of the Constitution of the United States, and of this State, apply, as well in time of war, as in time of peace; and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good Government, and tends to anarchy and despotism.

Article 45. This enumeration of Rights shall not be construed to impair or deny others retained by the People.

Article 47. (a) A victim of crime shall be treated by agents of the State with dignity, respect, and sensitivity during all phases of the criminal justice process.

I support this legislation if the proposed bill is amended to ensure that the Task Force has equally balanced socio-political and political-ideological representation. If this balance is achieved, the Task Force will very likely achieve its goals. The above amendments offered provide input regarding how such balance may be achieved.

If this Task Force is instead composed of an unequal membership with a predominance of one ideology over another, it will surely fail. It will not provide effective recommendations for how to reduce murderous violence in the state; and it will be a waste of valuable state resources. It will also serve to further divide the people of Maryland.

This bill should be passed amended with language to reflect and require the above principles. Thank you for your consideration.

Frank Clary

03 March 2023