



President
Mark W. Pennak

February 21, 2023

WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN OPPOSITION TO HB 580

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is a Section 501(c)(4), all-volunteer, non-partisan organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of the District of Columbia and the Bar of Maryland. I recently retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland Firearms Law, federal firearms law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License and a certified NRA instructor in rifle, pistol, personal protection in the home, personal protection outside the home, muzzle loading, as well as a range safety officer. I appear today in OPPOSITION to certain aspects of HB 580.

The Bill: The bill, as originally submitted, was a carbon copy of HB 30 submitted last Session, which in turn was a copy of SB 10 from the 2021 General Assembly Session. HB 30 never emerged from the House Ways and Means Committee last year after a hearing and SB 10 never passed the House in 2021. HB 580 warrants the same desk drawer fate this year as it is a solution in search of a problem, poorly drafted and, in part at least, unconstitutional.

HB 580 would amend MD Code, Election Law, §16-904, to provide that a person may not “CARRY OR POSSESS A FIREARM WITHIN 100 FEET OF A POLLING SITE DURING AN ELECTION.” Second, the bill provides that a person may not “CARRY OR DISPLAY A FIREARM ON THE PREMISES OF A PRIVATELY OR PUBLICLY OWNED BUILDING BEING USED AS A POLLING SITE DURING AN ELECTION, INCLUDING IN A PARKING LOT.” A violation of the Bill is punished as a civil infraction under which a \$5,000 fine may be assessed against the violator under MD Code, Election Law, § 13-604. That fine may be imposed even though the person commits a violation “without knowing that the act is illegal.” MD Code, Election Law, § 13-604(a). The bill thus imposes strict liability for otherwise innocent conduct without regard to the person’s knowledge of the law or the person’s intent.

HB provides an exemption where **(I) THE INDIVIDUAL IS LEGALLY IN POSSESSION OF A FIREARM; (II) THE RESIDENCE OF THE INDIVIDUAL IS WITHIN 100 FEET OF A PRIVATELY OR PUBLICLY OWNED BUILDING BEING USED AS A POLLING SITE DURING AN ELECTION; AND (III) THE**

INDIVIDUAL IS TRANSFERRING THE FIREARM TO THE INDIVIDUAL'S RESIDENCE OR VEHICLE WITHIN 100 FEET OF A POLLING PLACE. All three of these conditions must obtain for the exemption to obtain. The bill would also permit an off-duty police officer to carry a concealed weapon if that officer is displaying his badge. Oddly enough, HB 580 omits the *sponsor's* amendments made to last year's bill. Those amendments retained the exemption and further amended the original version of HB 30 to provide that an individual in a residence within 100 feet of a polling place is not in violation of the ban if "THE INDIVIDUAL IS LOCATED AT THE RESIDENCE" and further provides that the an individual is not in violation of the ban if "THE INDIVIDUAL IS LAWFULLY TRANSPORTING THE FIREARM IN A VEHICLE ON A PUBLIC ROADWAY THAT IS WITHIN 100 FEET OF A POLLING PLACE." HB 580, in contrast, contains no provision permitting otherwise transport within 100 feet of the polling station. Indeed, HB 580 does not even define "polling place" and thus is silent as to whether such a place includes a ballot drop box, which are more numerous than manned polling places.

The Bill Is Extreme: The Bill is extreme as it would make Maryland the most restrictive state, by far, of any of the fourteen states that purport to limit possession at a polling site. See <https://www.ncsl.org/research/elections-and-campaigns/polling-places.aspx>. For example, California, with the most restrictive gun control laws in the country, only bans a person from being "**stationed** in the immediate vicinity of, **or posted at**, a polling place without written authorization of the appropriate city or county elections official..." California Election Code § 18544(a) (emphasis added). And Texas bans carry **in** a polling place only "if the person **intentionally, knowingly, or recklessly** possesses or goes with a firearm, illegal knife, club, or prohibited weapon **on the premises** of a polling place on the day of an election or while early voting is in progress." Texas Penal Code § 46.03(a)(2) (emphasis added). No such scienter requirements are imposed by this bill.

The Bill Overreaches: The bill does not define "polling station" but it might be construed to reach ballot drop boxes, which are far more numerous than staffed polling stations. That vagueness is just a trap for the unwary and should be clarified. If the bill includes drop box locations, then the scope of the bill is tremendous, as drop box locations are quite numerous. <https://bit.ly/3RV8isE>. We also can see no justification for extending the scope of the ban to 100 feet of a polling station, much less within 100 feet of ballot drop box. Of the few states (again only fourteen states regulate **any** possession at a polling site) that have enacted similar laws, most limit the restriction on the possession of firearms **to the polling station itself**. See, e.g., DC ST § 7-2509.07(a)(5) (District of Columbia). Ohio limits its restriction to observers only. ORC § 3505.21(B). Missouri extends its ban outside the polling station, but it limits the distance to **25** feet, and further provides that "[p]ossession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises." Missouri, MRS § 571.107.1(2). Only one State (Georgia) imposes a ban like that imposed by this bill and even Georgia permits carry by security guards, whereas this bill allows only police to carry. Ga. Code Ann. § 16-11-127(b)(7). This bill stands alone. The bill should be

amended to remove the language that extends the prohibition to 100 feet beyond the polling place and to allow private security to carry.

We can readily understand the desire to regulate the **open** display of firearms at a polling place as such possession can be viewed as intimidating. However, voter intimidation is rare and we are unaware of any such open display of firearms has ever even happened in Maryland. See <https://www.baltimoresun.com/politics/bs-md-pol-few-incidents-of-voter-intimidation-20201211-62xuahitendlbdz7nu2svcqscy-story.html>. Voter intimidation, of any kind, is already a crime under both federal law, 18 U.S.C. § 594, and state law, MD Code, Elec. Law § 16-201(a), and that includes brandishing of firearms at a polling station. See Maryland Attorney General Guidance on Voter Intimidation. <https://archive.mymcmedia.org/maryland-attorney-general-voter-intimidation-voter-harassment-is-a-crime/>. The Bill is thus a solution in search of a problem.

In any event, that concern over potential intimidation would not apply to **concealed** possession **otherwise permitted by law**. This Bill should be amended to exempt from its coverage **concealed** carry not only by off-duty police officers (as permitted by the bill), but also by security guards and permit holders who are otherwise legally permitted to carry concealed firearms in public and who have been already thoroughly investigated and vetted by the Maryland State Police pursuant to MD Code, Public Safety, § 5-306. Under HB 580, in order to vote, such a permitted person would have to park her vehicle more than 100 feet from the polling place, leave her firearm in the vehicle (where it is open to theft) and walk to the polling place (or drop box), vote, and walk back to the vehicle. Such an individual should not have to choose between exercising her right to vote and her right to self-defense. Private property owners should likewise be permitted to continue to store firearms on their own property when it is used as a polling place.

School property, if it happened to be used as a polling place, would, of course, remain a prohibited area under existing law, MD Code, Criminal Law, §4-102, even with a carry permit, as every permit issued by the Maryland State Police states on its face that the permit is not valid “where firearms are prohibited by law.” Such a restriction is permitted by MD Code, Public Safety, § 5-307. Similarly, under federal law, 18 U.S.C. §922(q)(2), the knowing possession of a firearm in a federally defined school zone is banned. Tellingly, however, federal law exempts from that prohibition “private property” not part of school grounds as well as exempting a permit holder “if the individual possessing the firearm is licensed to do so by the State in which the school zone is located.” 18 U.S.C. §922(q)(2)(B)(i),(ii). If those exemptions are appropriate for school zones, they are likewise appropriate for polling places.

More fundamentally, the Bill creates new gun-free zones, including new zones on private property that is not used as a residence. In particular, the Bill would ban a **private property owner** from merely storing firearms (any firearm) on his or her private property if that non-residential private property were to be used as a polling place. A mere innocent failure to remove existing firearms from that private property could result in a \$5,000 penalty. Ironically, that reality may well discourage individual private property owners from consenting to the use of their private property as a polling place.

The Bill Is Unconstitutional Under *Heller* and *Bruen*: As noted, this bill does not exempt mere **possession** of a firearm in a home that happens to fall within 100 feet of a polling station and thus the ban extends to private homes within that 100-foot zone. No state purports to ban otherwise lawful possession of a firearm in the home. Specifically, subsection (C)(2) of the bill allows possession only if 1. the person is lawfully possessing the firearm, 2. the residence of the person is within 100 feet of the polling station, **AND** 3. the person **is transferring** the firearm to or from the person’s residence or vehicle within 100 feet of the polling site. This provision is poorly drafted. By using the word “AND” subsection (C)(2) requires **all three** elements of subsection (C)(2) to be present. And, by using the operative verb “**transferring**,” the bill’s exemption **only** applies to *transfers* that take place to and from the residence and a vehicle – not mere possession **in the residence** (or in the vehicle). The language of the exemption in subsection (C)(2) thus does not purport to address or exempt a person who is **merely possessing** the firearm inside the home, in the vehicle or on private property that happens to be located within 100 feet of a polling site.

The bill thus bans mere possession of an unloaded firearm by persons who are simply on the way to the range or otherwise permitted location or activity, as specified in Md. Code, Criminal Law, §4-203(b), and who just happens to drive by within 100 feet of a polling place. We respectfully suggest that the bill be amended to exempt from the bill’s coverage these types of possessions, all of which are non-threatening and innocent. Such an amendment would be consistent with the intent in allowing transfers to a vehicle from the residence. If one may legally transfer the firearm to the vehicle within 100 feet of the polling site, one should likewise be permitted to drive the vehicle within 100 feet of the polling site on the way to or from the range or dealer or other lawful location without being hit with a \$5,000 fine.

These overbroad provisions are constitutionally fatal to the bill. In *District of Columbia v. Heller*, 554 U.S. 570 (2008), the Supreme Court held that citizens have the right to possess operative handguns for self-defense in the home. *Heller* also made clear that the right belongs to every “law-abiding, responsible citizen[]”. *Heller*, 554 U.S. at 635. The Second Amendment “**elevates above all other interests the right of law-abiding, responsible citizens to use arms in defense of hearth and home.**” *Heller*, 554 U.S. at 635. The rights guaranteed by the Second Amendment are fundamental and are, therefore, applicable to the States by incorporation under the Due Process Clause of the 14th Amendment. See *McDonald v. City of Chicago*, 561 U.S. 742, 768 (2010) (“[c]itizens must be permitted to use handguns for the core lawful purpose of self-defense”). In banning home possession, the bill is plainly unconstitutional and thus must be amended to expressly exempt possession of firearms within homes located within 100 feet of a polling place. Poor draftsmanship is intolerable, particularly where it affects the exercise of fundamental constitutional rights. See, e.g, *Briggs v. State*, 413 Md. 265, 992 A.2d 433 (2010). The bill, as written, will not survive constitutional challenge under *Heller*.

The bill also runs afoul of the June 2022 decision of the Supreme Court in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S.Ct. 2111 (2022), where the Court struck down as unconstitutional New York’s “proper cause” requirement for issuance of a permit to carry a handgun in public. In so holding, the Court ruled that “the Second Amendment guarantees a general right to public carry.” 142 S.Ct. at 2135. See also *Bruen*, 142 S.Ct. at 2156 (“The Second Amendment guaranteed to ‘all Americans’ the right to bear commonly used arms in public subject to certain reasonable, well-defined restrictions.”). The *Bruen* Court ruled that “the standard for applying the Second Amendment is as follows: When the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation.” 142 S.Ct. at 2127.

The relevant time period for that historical analogue inquiry is 1791, when the Bill of Rights was adopted. 142 S.Ct. at 2135. That is because “Constitutional rights are enshrined with the scope they were understood to have when the people adopted them.” *Id.*, quoting *Heller*, 554 U.S. at 634–635. Under that standard articulated in *Bruen*, “the government may not simply posit that the regulation promotes an important interest.” 142 S.Ct. at 2126. *Bruen* expressly abrogates the two-step, “means-end,” “interest balancing” test that the courts had previously used to sustain gun bans. *Id.* Those prior decisions are no longer good law. So, the constitutionality of this bill will turn on an historical analysis, as there is no doubt that term “keep and bear arms” in the text of the Second Amendment necessarily includes the right to possess (“keep”) and the right to carry (“bear”). *Heller* and *Bruen* so hold.

Bruen also holds that governments may regulate the public possession of firearms at “legislative assemblies, polling places, and courthouses” and notes that governments may also regulate firearms “in” schools and government buildings. *Bruen*, 142 S.Ct. at 2133, citing *Heller*, 554 U.S. at 599. So if this bill were to be limited to possession “in” actual polling places rather than all places within 100 feet of a polling place, it would likely pass muster under *Bruen* and *Heller*. But nothing in *Bruen* can be read to allow a State to establish any “buffer zone” around such places, such as the 100-foot zone created around polling places. Such a ban on carry would cover sidewalks and extend into the street and thus effectively ban public carry in such zones. Such a ban would plainly violate the holding in *Bruen* that protects a broad right to carry. Again, regulation beyond these five locations must be justified by a “well-established, representative historical analogue” dating back to 1791. *Id.* at 2133. For example, *Bruen* rejected New York’s attempt to justify its “good cause” requirement as a “sensitive place” regulation, holding that a government may not ban guns where people may “congregate” or assemble. 142 S.Ct. at 2133-34. The Court held that such a ban on places where people typically congregate “defines the category of ‘sensitive places’ far too broadly.” There is no historical analogue that would permit the imposition of 100-foot exclusion zones around any of these five locations.

Public Safety: This bill bans all possession of any firearm by any person within 100 feet of a polling statute. As explained, that ban is extreme. But it is even more extreme as such a ban extends to wear and carry permit holders. Permit holders are the most law-abiding individuals in America. *Bruen* squarely holds that Second Amendment protects the right to carry in public while also making clear that a State may condition that right on obtaining a wear and carry permit from the State, if the permit is issued on an otherwise reasonable and objective “shall issue” basis. 142 S.Ct. at 2138 & n.9. As this holding recognizes, permit holders are treated as a separate class as such individuals have been thoroughly vetted through a permit process. Through their fingerprints, all permit holders are identifiable by the FBI’s RAP BACK system, under which a mere arrest of any permit holder anywhere in United States will be immediately reported to the Maryland State Police. <https://bit.ly/3B8l142>.

People with carry permits have been thoroughly investigated and have at least 16 hours of training, as required by MD Code, Public Safety, § 5-306(a)(5),(6). As part of the training requirement, permit holders must pass a live-fire qualification course and achieve a minimum score. COMAR 29.03.02.05 C.(4). The State Police will deny a permit to any person who has “exhibited a propensity for violence or instability that may reasonably render the person's possession of a handgun a danger to the person or to another.” MD Code, Public Safety, § 5-306(a)(6)(i). The State Police have continued to enforce all these requirements, even after *Bruen*. See Maryland State Police Advisory, LD-HPU-22-002 (July 5, 2022) (available at <https://bit.ly/3Xz9MKa>). Of the 43 “shall issue” States identified in *Bruen*, 142 U.S. at 2123 n.1, only Illinois requires as many hours of training as Maryland.

Prior to *Bruen*, 43 States and the District of Columbia issued permits on a “shall issue” basis. *Bruen*, 142 S.Ct. at 2123 & n.1 (listing these States). The crime rate of the permit holders in these States is but a small fraction of that of commissioned police officers. See Lott, J., *Concealed Carry Permit Holders Across the United States: 2022* at 42-43 (2022) (available at <https://bit.ly/3xca7bb>). Permit holders are simply not the problem. Possession and transport of firearms by **non**-permit holders continues to be strictly regulated by State criminal law. For example, MD Code, Criminal Law, § 4-203(a), bans **any** “wear, carry or transport” of a handgun, subject to limited exceptions, like in the home or transport of an unloaded handgun to a dealer or to a range for target shooting or by an owner of a business. Illegal carry by non-permit holders is already punished by up to 3 years in prison. MD Code, Criminal Law, § 4-203(c)(4)(ii). In short, there is no reason to ban permit holders at all, much less from carrying within 100 feet of a polling place. This bill should exempt permit holders. The State is free to require concealment and MSI would have no objection to any such limitation in this bill.

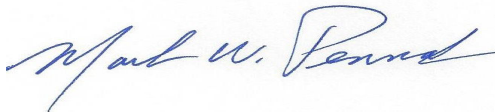
The Gun Free Zone Created By The Bill Invites Attacks: By banning virtually all otherwise lawful possession of firearms and failing to mandate armed security for such sites, this bill would make polling sites more likely to be attacked by a mass shooter, a criminal or deranged individual, rather than less likely. Everyone at the site is less safe. Certainly, there is no evidence that a gun-free zone actually makes

people safer. See <https://www.rand.org/research/gun-policy/analysis/gun-free-zones.html>.

A potential shooter, willing to commit murder, will simply not care that this bill would make his possession of a firearm illegal. The numbers are chilling: between 1950 and 2018, 94% of all mass shootings (as properly defined by the FBI) have taken place in gun-free zones. <https://bit.ly/3YsXF2x>. Between 1998 and December 2015, the percentage is 96.2%. <https://www.nationalreview.com/2014/01/cruelty-gun-free-zones-john-r-lott-jr/>. Mass shooters are drawn to gun free zones as they know that they will be unopposed for extended periods while they commit their horrific rampages. Gun free zones are “magnets” for mass shooters. This point was stressed by Dr. Lott in his oral testimony on SB 1 before JPR on February 7, 2023. See <https://bit.ly/3RV8isE>. Dr. Lott’s written testimony is attached. His testimony is compelling, and we urge the Committee to read and listen to it. **No sane person would post a gun-free zone sign outside their own home.** The statutory equivalent of such a sign is likewise not suitable outside polling places, particularly where the polling places are located on private property.

We urge an unfavorable report.

Sincerely,



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Testimony before the Maryland State Senate Judiciary Committee on SB1

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February 7, 2023



I would like to thank Chairman William Smith, Michael McKay who invited me to testify, and the other distinguished members of the committee for the opportunity to speak to you.

SB1 proposes to [ban](#) the “transport of a firearm within 100 feet of a place of public accommodation.”¹ That is a long list of places, from hotels to restaurants, movie theaters, sports arenas, and retail establishments.

The implications of the Supreme Court’s Bruen Decision.

Take what Justice Thomas [wrote](#) in his Bruen decision last June. There are three passages that summarize the issue of sensitive places where concealed handguns can be banned.²

p. 17 -- “The test that we set forth in Heller and apply today requires courts to assess whether modern firearms regulations are consistent with the Second Amendment’s text and historical understanding.”

p. 21 -- “Heller’s discussion of ‘longstanding’ ‘laws forbidding the carrying of firearms in sensitive places such as schools and government buildings.’ 554 U. S., at 626. Although the historical record yields relatively few 18th- and 19th-century ‘sensitive places’ where weapons were altogether prohibited—e.g., legislative assemblies, polling places, and courthouses—we are also aware of no disputes regarding the lawfulness of such prohibitions.”

p. 22 -- “expanding the category of ‘sensitive places’ simply to all places of public congregation that are not isolated from law enforcement defines the category of

‘sensitive places’ far too broadly. Respondents’ argument would in effect exempt cities from the Second Amendment and would eviscerate the general right to publicly carry arms for self-defense that we discuss in detail below. See Part III–B, *infra*. Put simply, there is no historical basis for New York to effectively declare the island of Manhattan a ‘sensitive place’ simply because it is crowded and protected generally by the New York City Police Department.”

The bottom line is clear. If the text of the Amendment or the debate over it isn’t clear, the courts should look at the laws in common use (not a few outliers) at the time of adoption for the 2nd or 14th Amendments. Thomas noted that sensitive places during those earlier periods were common for “legislative assemblies, polling places, and courthouses.” While Thomas seemed open to historical evidence on other places that banned carrying guns, the list of places provided in SB1 clearly bans guns in any place where the public congregates, which is explicitly what the Bruen decision indicates would be struck down.

Nor has this extensive list of gun-free zones even been observed in any state laws until recently, so proponents for the gun-free zones can’t even point to these prohibitions being in common use no. Indeed, the seven May-Issue states, of which Maryland had been one up until the Bruen decision, had relatively few gun free-zones. But New Jersey’s [new law](#) now bans permitted concealed handguns in public places.³ New York’s [new law](#) is much more restrictive than its previous list of sensitive locations.⁴ But even New York’s law doesn’t go as far as SB1. For example, instead of banning guns in all restaurants, it limits the ban to places that serve alcohol. In 2021, [16 states banned guns in bars](#), and no states had a blanket ban in restaurants that served alcohol.⁵

While California’s Governor Gavin Newsom is calling to change the state’s law so that carrying guns would now be banned in [churches, public libraries, zoos, amusement parks, playgrounds, banks and other privately-owned businesses](#), the legislation has yet to be passed.⁶

Will Gun-free Zones increase Public Safety?

Maryland is moving to create more gun-free zones, though relatively few people in the state have a concealed handgun permit. By the end of 2022, there were [85,266 permits](#) – one permit holder for every 55 adults.⁷ By comparison, there is one permit holder for every nine people in the 43 right-to-carry states.⁸

Permit holders are [extremely law-abiding](#) and lose their permits for any firearms related violations at thousandths or tens of thousandths of one percent.⁹ Permit holders are convicted of firearms-related violations [at 1/12th the rate of police officers](#).¹⁰ Also relevant is that while the revocation rate for permit holders is low in all states, it is actually [lower for Right-to-Carry states than for May-Issues states](#) such as Maryland.¹¹

Unsurprisingly, concealed handgun permit holders don’t stop mass public shootings in states such as Maryland or California or other very restrictive states. But they do make a difference in the 43 states where there are a lot of permit holders. Indeed, [people legally carrying guns](#)

[stopped at least 31 mass public shootings since 2020](#).¹² And when Americans are allowed to legally carry concealed handguns, they [stop about half the active shooting attacks in the US](#).¹³

It is hard to ignore that these mass public shooters purposefully pick targets where they know their victims cannot protect themselves. Yet, the media refuses to discuss that these mass murderers often discuss in their diaries and manifestos how they pick their targets. For example, the Buffalo mass murderer last year wrote in his manifesto explaining why he chose the target that he did: [“Areas where CCW are outlawed or prohibited may be good areas of attack”](#) and [“Areas with strict gun laws are also great places of attack.”](#)¹⁴

That is a [common theme](#) among mass murderers.¹⁵ These killers may be crazy, but they aren't stupid. Their goal is to get media coverage, and they know that the more people they kill, the more media attention they will receive. And if they go to a place where their victims are defenseless, they will be able to kill more people.

Even if an officer is in the right place at the right time, a single uniformed police officer has an almost impossible job in stopping mass public shootings. An officer's uniform is a neon sign saying, “Shoot me first.” Once the murderer kills the officer, the attacker has free rein to go after others. But where concealed carry is allowed, the attacker will have to worry that someone behind him is also armed.

Take school shootings: Twenty states, with thousands of schools, have armed teachers and staff. [There has not been one attack](#) at any of these schools during school hours since at least 2000 where anyone has been killed or wounded.¹⁶ All the attacks where people have been killed or wounded occurred in schools where teachers and staff can't have guns.

Newsom's approach contrasts sharply with another country that faces constant terrorist attacks. After a Jan. 27 mass public shooting in Israel left seven people dead, Israel Prime Minister Benjamin Netanyahu [declared](#): “Firearm licensing will be expedited and expanded in order to enable thousands of additional citizens to carry weapons.”¹⁷

Unfortunately, Maryland's strict gun control laws create fertile ground for successful mass public shootings. But the new push for more gun-free zones is guaranteed to give mass murderers and other criminals even more hunting grounds.

Many promised that Maryland's 2013 Firearms Safety Act would lower the state's crime rates. Take the pre-pandemic data. The act instituted handgun licensing and training requirements that added hundreds of dollars and months of delay to a purchase, and handgun sales in the state plummeted by 36% from 2012 to 2019. Meanwhile, between 2012 and 2019, Maryland's murder rate rose [three times faster](#) than the national rate and [four times faster](#) than in neighboring states.¹⁸ The state's robbery rate also got much worse relative to either the national or neighboring rates.

Conclusion.

Criminals like to attack defenseless victims and they are attracted to gun-free zones. Indeed, [94% of mass public shootings occur in places where guns are banned](#).¹⁹ But the legislature has

to also consider what the courts are likely to decide after the Supreme Court's Bruen decision this past June, and the Supreme Court

Endnotes

¹ <https://mgaleg.maryland.gov/2023RS/bills/sb/sb0001F.pdf>

² New York State Rifle & Pistol Assn., INC. v. BRUEN (<https://www.law.cornell.edu/supremecourt/text/20-843>).

³ New Jersey Bill A4769 (https://www.njleg.state.nj.us/bill-search/2022/A4769/bill-text?f=A5000&n=4769_R2).

⁴ New York State, "Frequently Asked Questions: New Concealed Carry Law," (<https://gunsafety.ny.gov/frequently-asked-questions-new-concealed-carry-law>).

⁵ Crime Prevention Research Center, "All 50 states now allow you to carry a concealed handgun in restaurants that serve alcohol," Crime Prevention Research Center, February 19, 2021 (<https://crimeresearch.org/2021/02/all-50-states-now-allow-you-to-carry-a-concealed-handgun-in-restaurants-that-serve-alcohol/>).

⁶ Louis Casiano, "California Gov. Gavin Newsom endorses even stricter gun control after string of mass shootings," Fox News, February 1, 2023 (<https://www.foxnews.com/politics/california-gov-gavin-newsom-endorses-stricter-gun-control-string-mass-shootings>).

⁷ Scott Broom, "Legislators aim to restrict where guns can be carried in Maryland," WUSA 9, January 12, 2023 (<https://www.wusa9.com/article/news/local/maryland/maryland-gun-permits-soar-as-legislators-aim-to-restrict-where-they-can-be-carried-in-the-state/65-34b765bf-c8b8-439b-9f10-a3ef9d1e1aaf>).

⁸ John R. Lott, Jr., "Concealed Carry Permit Holders Across the United States: 2022," Social Science Research Network, December 12, 2022 (https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4279137).

⁹ Ibid.

¹⁰ Ibid.

¹¹ John R. Lott, Jr., "Concealed Carry Permit Holders Across the United States: 2021," Social Science Research Network, October 11, 2021 (https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3937627).

¹² Crime Prevention Research Center, "UPDATED: Compiling Cases where concealed handgun permit holders have stopped likely mass public shootings," August 24, 2022 (<https://crimeresearch.org/2022/08/uber-driver-in-chicago-stops-mass-public-shooting/>).

¹³ Crime Prevention Research Center, "Massive errors in FBI's Active Shooting Reports regarding cases where civilians stop attacks: Instead of 4.4%, the correct number is at least 34.4%. In 2021, it is at least 49.1%. Excluding gun-free zones, it averaged over 50%," Crime Prevention Research Center, October 3, 2022 (<https://crimeresearch.org/2022/10/massive-errors-in-fbis-active-shooting-reports-regarding-cases-where-civilians-stop-attacks-instead-of-4-4-the-correct-number-is-at-least-34-4-in-2021-it-is-at-least-49-1-excluding-gun-free-zon/>).

¹⁴ Crime Prevention Research Center, "New York Mass Public Shooter Explicitly targeted: 'areas where CCW are outlawed or prohibited may be good areas of attack' 'areas with strict gun laws are also great places of attack,' Another Socialist/Environmentalist," Crime Prevention Research Center, May 14, 2022 (<https://crimeresearch.org/2022/05/new-york-mass-public-shooter-explicitly-targeted-areas-where-ccw-are-outlawed-or-prohibited-may-be-good-areas-of-attack-areas-with-strict-gun-laws-are-also-great-places-of-attack/>).

¹⁵ Crime Prevention Research Center, "UPDATED: How mass killers pick out venues where their victims are sitting ducks," Crime Prevention Research Center, June 1, 2022 (<https://crimeresearch.org/2015/06/vince-vaughn-explains-the-obvious-how-mass-killers-pick-out-venues-where-their-victims-are-sitting-ducks/>).

¹⁶ John R. Lott, Jr., "Schools that Allow Teachers to Carry Guns are Extremely Safe: Data on the Rate of Shootings and Accidents in Schools that allow Teachers to Carry," Social Science Research Network, April 25, 2019 (https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3377801).

¹⁷ Bradford Betz, "Israel to 'expedite' gun licenses after deadly shooting near Jerusalem synagogue," Fox News, January 29, 2023 (<https://www.foxnews.com/world/israel-expedite-gun-licenses-deadly-shooting-near-jerusalem-synagogue>).

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¹⁹ Crime Prevention Research Center, "UPDATED: Mass Public Shootings keep occurring in Gun-Free Zones: 94% of attacks since 1950," June 15, 2018 (<https://crimeresearch.org/2018/06/more-misleading-information-from-bloombergs-everytown-for-gun-safety-on-guns-analysis-of-recent-mass-shootings/>).