

2/1/2024

Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON SB#/0039 - POSITION: FAVORABLE WITH AMENDMENTS
Gun Theft Felony Act of 2024

TO: Chair Smith, Jr., Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3. I am submitting this testimony as favorable with amendments for SB#0039, Gun Theft Felony Act of 2024

I agree with the main thrust of this bill but urge an amendment to it. I want to see an exception where the gun is seized or in any way concealed from its owner in support of a perceived threat of self-harm that might occur by the individual owner. If a family member or friend becomes aware that someone is in possession of a gun and is threatening to harm or kill themselves the seizure of that weapon can be the difference between life and death. Over 60 percent of gun deaths in Maryland are suicide. There may not be time to involve authorities in a red flag law seizure of the weapon.

While we do have a need to make gun theft a felony, without adding context in which such seizure is made based on a perceived threat of self-harm if that gun is present, I can only support this bill if that amendment is made. It should include a way for the person from whom that weapon is seized to be subject to a mental health evaluation by a professional who treats mental illness or depression. If that seizure was found to be valid based on the owner's mental condition no penalty should accrue. If the person is cleared from the evaluation a return of the weapon should occur but monitoring of the owner should continue for a set period of time. The mental health evaluation should include an opportunity for the person who seized the weapon to present evidence they evaluated that lead to the weapon being seized. A recommendation for further action should then occur for continued absence of the weapon or a plan for its return and for whether the person who took the weapon should face any consequences if the taking was based on a good faith evaluation of the conditions under which the weapon was taken.

I respectfully urge this committee to return a favorable with amendments report on SB#0039.