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Judicial Proceedings Committee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 2nd, 2024
The Maryland State Senate Judicial Proceedings Committee
The Honorable William C. Smith, Jr.
2 East Miller Senate Building
Annapolis, Maryland 21401

Re: Senate Bill 378: *Criminal Law – Theft of a Handgun*

Dear Chairman Smith and Members of the Committee,

Under existing law, the penalty for the theft of a firearm is covered by our general law against the theft of property. In such cases, the penalty imposed upon someone convicted of theft is based on the value of the property stolen. The theft of a handgun worth \$250 is merely a misdemeanor and carries with it a penalty of \$500 or 6 months in jail or both for the first offense. Even for a second offense of stealing a firearm, the offense is once again a misdemeanor and carries with it a penalty of \$500 or 1 year in jail or both. The theft of a \$250 handgun under Maryland law is thus treated identically to the theft of a \$250 vase. Both are misdemeanors, and both result in de minimis fines or modest time behind bars. Of course, the stolen firearm is far more lethal and far more dangerous than the stolen vase, but under our current law, both crimes are treated identically.

Over the past several years, the Judicial Proceedings Committee has repeatedly considered legislation to prevent firearms from falling into the wrong hands. Most of these bills have targeted honest, law-abiding citizens exercising their Second Amendment right to own guns who have sold or lent their guns to others. Generally speaking, the people to whom the guns have been sold or lent are honest folks, not criminals. By contrast, Senate Bill 378 focuses exclusively on criminals, and worst yet, criminals who steal guns.

The problem of stolen guns on our streets is a serious one. Any attempt to reduce shooting deaths has to start with the fact that many criminals who use guns to commit crimes and kill people are doing it with stolen weapons. The Bureau of Alcohol, Tobacco and Firearms has found that stolen firearms are “a threat to community safety as well as law enforcement” and that “stolen firearms are crime guns; they fuel illicit trafficking and are used by violent criminals to terrorize our communities. Given these facts, Maryland’s law dealing with the theft of a weapon with little more than a slap on the wrist is absurd.

Now let me briefly explain Senate bill 378. It removes the theft of a handgun from the general theft statute and creates the new crime of theft of a handgun. Such a theft is branded a felony.

For a first conviction, the penalty for theft of a handgun is a fine of up to \$1,000 or up to 5 years in prison or both. For a second conviction, the penalty rises to up to \$2,500 or up to 10 years in prison or both. And because the theft of a handgun now becomes a felony, a person convicted of theft of a handgun will fall into the category of disqualified persons under federal and state law who are prohibited from ever legally owning a firearm.

There is another benefit that will arise due to Senate Bill 378. Far too often, firearm thefts are currently never prosecuted by our State's Attorneys because they are merely misdemeanors. Once we elevate thefts of firearms to felonies and place the focus on the criminal and the criminal behavior involved in the theft of a firearm, our State's Attorneys can be expected to give these cases the serious attention that they deserve.

I appreciate the Committee's consideration of Senate Bill 378 and will be happy to answer any questions the Committee may have.