



Senate Bill 0752

Firearms - Maryland Voluntary Do Not Sell Firearm Registry - Establishment

UNFAVORABLE

Senate Bill 0752 is well-intentioned but extremely naïve in concept. It serves no useful purpose. Even for those who might choose to add their names to the registry to make a “political statement” it is not without its shortcomings and potential drawbacks.

There is a dichotomy between the time allowed to be placed on the registry and the time allowed for the person to be removed from the registry. The Maryland State Police have a maximum of 5 days to place a person on the registry. However, the Maryland State Police cannot remove a person from the registry sooner than 21 days after receiving the registrant’s request. Because the term “promptly” is not defined in the language of the bill the actual definition of the term is unconstitutionally vague. There is no fixed time limit on how long the Maryland State Police can delay the removal of the registrant from the registry. The removal process is multi-step and burdensome, with multiple government agencies and subcontractors involved. These include:

1. Maryland State Police
2. Voluntary Do Not Sell Registry
3. Central Repository
4. Motor Vehicle Administration
5. Office of the Comptroller
6. Maryland Department of Health

Senate Bill 0752

Unfavorable

This Bill contains no effective requirement that any of the government agencies and/or their various subcontractors ever actually remove the registrant's name and personal information from the database.

There is no provision for recourse if any of the agencies involved intentionally or unintentionally take no action to purge the citizens' confidential information from the databases.

Inspection of a record is specifically authorized by the registrant, the registrant's attorney, law enforcement and the public. However, the provision in §5-905 (A) which prohibits discrimination against persons on the registry clearly indicates the bill anticipates the registry will be accessible to the public. The penalty provision in §5-905 (B) reinforces the expectation that records will be open to public inspection.

This bill references the definition of a "firearm" as defined under Public Safety Article §5-101 which includes all firearms, including non-regulated long guns such as rifles and shotguns. Maryland is a "partial point of contact" state. Which means background checks for the purchase of non-regulated firearms such as rifles and shotguns go through the Federal Form 4473 NICS background check only. They do not go through the Maryland State Police. There is no means and no opportunity for the sale to be denied because the Maryland State Police will not be notified. Sales of non-regulated firearms would still be possible, thus rendering the efficacy of this bill moot.

In the case of a person who already owns firearms, and for whatever reason places themselves on the registry, they still have possession of the firearms. There is no requirement that they surrender their firearms.

The Bill demonstrates a total lack of understanding of the mindset of firearm owners, none of whom would ever willingly surrender any of their Constitutional Rights to any Government.

Senate Bill 0752

Unfavorable

Due to the number of non-law enforcement agencies involved, there is a very real potential that SB 752 violates General Provisions Article §4–325 which mandates a custodian shall deny inspection of all records of a person authorized to sell, purchase, rent, or transfer a regulated firearm under Title 5, Subtitle 1 of the Public Safety Article.

H. L. Mencken wrote: “For every complex problem, there is a solution that is simple, easy to understand and wrong.” Senate Bill 752 is that type of “solution.”

We strongly urge an unfavorable report on Senate Bill 752.

John H. Josselyn

2A Maryland

02/27/2024

Public Safety Article 5-101

(g) “Disqualifying crime” means:

- (1) a crime of violence;
- (2) a violation classified as a felony in the State; or
- (3) a violation classified as a misdemeanor in the State that carries a statutory penalty of more than 2 years.

(h) (1) “Firearm” means:

- (i) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive;
- (ii) the frame or receiver of such a weapon; or
- (iii) an unfinished frame or receiver, as defined in § 5–701 of this title.

(2) “Firearm” includes a starter gun.

(i) “Firearm applicant” means a person who makes a firearm application.

(j) “Firearm application” means an application to purchase, rent, or transfer a regulated firearm.

(k) “Fugitive from justice” means a person who has fled to avoid prosecution or giving testimony in a criminal proceeding.

(l) “Habitual drunkard” means a person who has been found guilty of any three crimes under § 21–902(a), (b), or (c) of the Transportation Article, one of which occurred in the past year.

(m) “Habitual user” means a person who has been found guilty of two controlled dangerous substance crimes, one of which occurred in the past 5 years.

(n) (1) “Handgun” means a firearm with a barrel less than 16 inches in length.

(2) “Handgun” includes signal, starter, and blank pistols.

(o) “Handgun qualification license” means a license issued by the Secretary that authorizes a person to purchase, rent, or receive a handgun.

Article - General Provisions

[\[Previous\]](#)[\[Next\]](#)

§4-325.

(a) Except as provided in subsections (b) and (c) of this section, a custodian shall deny inspection of all records of a person authorized to:

(1) sell, purchase, rent, or transfer a regulated firearm under Title 5, Subtitle 1 of the Public Safety Article; or

(2) carry, wear, or transport a handgun under Title 5, Subtitle 3 of the Public Safety Article.

(b) A custodian shall allow inspection of firearm or handgun records by:

(1) the individual named in the record; or

(2) the attorney of record of the individual named in the record.

(c) This section may not be construed to prohibit the Department of State Police or the Department of Public Safety and Correctional Services from accessing firearm or handgun records in the performance of that department's official duty.

[\[Previous\]](#)[\[Next\]](#)