

SB0752_Regulated_Firearms_Maryland_Voluntary_Do_No

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0752

Regulated Firearms - Maryland Voluntary Do Not Sell Firearm Process

Bill Sponsors: Senators Hettleman, Hester, and Waldstreicher

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Aileen Alex, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0752 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of individuals and grassroots groups with members in every district in the state with well over 30,000 members.

A Maryland Voluntary Do Not Sell Firearm Registry would allow a person to voluntarily enroll for the purpose of being prohibited from obtaining a regulated firearm. A voluntary registry provides an individualized approach to firearm safety, allowing people to take proactive steps to protect themselves and others without infringing on broader gun rights.

This legislation may keep guns away from those contemplating a mass shooting. It also helps with suicide prevention. Suicides comprise nearly two-thirds of all firearm deaths in the United States, with firearm suicides outnumbering firearm homicides two to one. This proactive step helps reduce the risk of impulsive gun suicides. The goal is to protect both the individual and their loved ones from firearm injury or suicide.

Our members believe firmly in common sense gun legislation, as do most gun owners and the majority of residents in Maryland. We have a lot of solid, common-sense laws on the books, but like many states, we continue to see gun deaths by people who should never, ever have access to a gun, especially those that may be depressed or suicidal.

People that know they shouldn't own a gun should be accommodated by the state.

Our members think this legislation is long overdue and should be passed as quickly as possible. We support this bill and recommend a **FAVORABLE** report in committee.

SB 753 Public Safety - Firearms Background Checks

Uploaded by: deborah miller

Position: FAV



**Testimony in SUPPORT of *Senate Bill 753* –
*Public Safety – Firearm Background Checks, Victim Notification, and the
Maryland State Police Gun Center*
Judicial Proceedings Committee
February 27, 2024**

The Jewish Community Relations Council of Greater Washington (JCRC) serves as the public affairs and community relations arm of the Jewish community. We represent over 100 Jewish organizations and synagogues throughout Maryland, Virginia, and the District of Columbia. The JCRC is strongly committed to cultivating a society based on freedom, justice, and pluralism. We work tirelessly to advocate for our social service agencies that serve the most vulnerable residents and to campaign for important policy interests on behalf of the Jewish and broader community.

Senate Bill 753 bill would require Maryland State Police and/or regulated firearm dealers to notify the State Police Gun Center of a background check denial. The State Police Gun Center will then notify the local law enforcement agency within 24 hours, and that agency would then be responsible for notifying any victim of domestic violence of the background check denial if it is based on a prohibited person pursuant to an order of protection or violation of a protective order. In this way, victims can be informed of their abuser’s potential intentions and take necessary precautions.

In 2022, a requirement was placed on the FBI to notify local law enforcement when a prohibited person attempts to legally purchase a firearm and fails the background check. Maryland conducts some of its own background checks, and the federal requirement does not apply to Maryland State Police. Though this system of notification is helpful for law enforcement to be “in the loop,” it does nothing to help victims of domestic abuse to be aware of the potential intentions of their abuser.

The JCRC has a long tradition of supporting victims of domestic violence. We advocate on behalf of JCADA which empowers the people they serve by providing information regarding their options and rights. This Bill would serve as a mechanism to help them regain their sense of power and control after physical, sexual, psychological, or financial abuse. By providing survivors with the ability to take back some control, we are empowering them. For these reasons, we ask for a favorable report on Senate Bill 753.

Donna's law .pdf

Uploaded by: Donna Morin

Position: FAV

Donna's law is ironically named after a woman whose name was Donna Nathan. I'm here today speaking support of this bill on behalf of myself, Donna, and my son, Nathan. On January 5, 2022, Nathan drove to a gun shop down the road from our house and purchased a gun. Thirty minutes later he was back at our home and took that gun, put it to his temple and shot himself. Donna's Law probably would not have saved Nathan's life. However, this bill would save the life of someone like my daughter or myself.

January 5, 2022 was the beginning of the worst days of my life. Rushing to the hospital, seeing so much of his blood on the floor of the Emergency Room and then hearing the doctor say that my beautiful 21 year old son, with such a bright future as an Engineer was living his last hours in pain. This is a trauma that no parent should have to go through. Yes, that was what you might think was the worst day of my life but it wasn't.

As horrific as that day that Nate took his life was for me, it pales in comparison to the pain I feel every day knowing that I have to live the rest of my life without him. I would relive that day 100 times if I could get him back for just 5 minutes to hug him and tell him I loved him. That would be worth it.

That pain that I feel everyday has brought me to thoughts of suicide. I stay here for my husband, my daughters and my parents, because I could not make them live through another suicide. But the pain and the thoughts are there - every single day and it's hard. I don't want to end up putting a gun to my head and pulling the trigger. I don't want my family to find my body. I also know that if I were to try to end my life I would make sure it worked so I didn't end up worse off than I am now and so my family wouldn't have to take care of me. The quickest and most effective way to kill myself is with a gun.

The goal of this bill is to allow a person, like myself, to make a decision when they are in a calm mind and not in emotional distress. We already have a precedent for this when people create living wills to decide how long they choose to live before they become physically incapacitated. Donna's law has a similar goal in that people can make an advance directive indicating they do not wish to end their life with a firearm when they are emotionally incapacitated. .

To protect my family and myself I would put my name on a Do Not Sell list. I would put my name on to make sure I don't buy a gun when I'm not thinking clearly. That I don't have a moment of weakness where I can't see that life is worth living. This bill could literally save my life.

There are so many people out there that simply are having a hard time living. We don't always know how to cope and we sometimes feel like an escape is the best answer. But when we get to this place we need to be able to just take a breath and get through the moment. I know there are other lethal means of suicide, but why not allow people to who want to make sure that they safe from their own hand the freedom to make that decision for themselves. They can make that decision when they are in a safe state of mind.

When someone kills themselves they not only destroy their own life, but they destroy the lives of all those around them. There's a ripple effect within a community. Nate's suicide was not in isolation as there were 4 previous suicides at his college that year. His friend had taken his life a year and a half earlier. Passing this law will allow people to protect those that they love by giving them a chance to stay alive and get help. I hope I never need this law. I anticipate that I will be strong enough and with therapy I'll get to a point where the pain might not be

this intense. But, why not give someone like me the option to protect my children and my husband from losing me.

As we all know, the 2nd amendment gives us the right to bear arms. The 9th amendment is given less attention but it gives citizens rights that are not specified within the text of the bill of rights. Supreme Court Justice Goldberg wrote in 1965 that

“The language and history of the Ninth Amendment reveal that the Framers of the Constitution believed that there are additional fundamental rights, protected from governmental infringement, which exist alongside those fundamental rights specifically mentioned in the first eight constitutional amendments...”

A right that citizens should have is to be allowed to choose to not have a firearm as a source of temptation for a mental illness that they are trying to control. So often legislators are asking what they can do to help people with their mental health. This bill is one step in helping reduce suicides.

Donna Morin
8 Barberry St
Hooksett NH 03106

SB-752-Regulated Firearms – Maryland Voluntary Do

Uploaded by: Erin Dorrien

Position: FAV



Maryland
Hospital Association

February 27, 2024

To: The Honorable William C. Smith Jr., Chair, Senate Judicial Proceedings Committee

Re: Letter of Support- Senate Bill 752-Regulated Firearms – Maryland Voluntary Do Not Sell Firearm Process

Dear Chair Smith:

On behalf of the Maryland Hospital Association's (MHA) member hospitals and health systems, we appreciate the opportunity to comment in support of Senate Bill 752.

Suicides account for 54% of all firearm deaths, and 53% of all suicides involve a firearm, according to the [Kaiser Family Foundation](#). In Maryland, 2,837 lives were lost between 2010 and 2020 to self-inflicted harm with the use of a firearm—about 4.3 deaths per 100,000 Marylanders—the Centers for Disease Control and Prevention found.

Voluntary do not sell firearm registries are an innovative tool to prevent suicide by firearm. Laws, like the one proposed by SB 752, have passed in Washington state, Virginia, and Utah and grant people the option to add their names voluntarily and confidentially to a state system to prevent them from impulsively purchasing a gun.

While advocacy groups can cite statistics, the best arguments come from individuals with lived experience. In an op-ed published in [The Washington Post](#) Aug. 30, 2022, Bryan Barks wrote “I have mental clarity most of the time, but I know storms will come again. I want to have the ability to preempt crises. I want to have the ability to protect myself from the version of me that is not thinking clearly.”

For these reasons, we urge a *favorable* report on SB 752.

For more information, please contact:
Erin Dorrien, Vice President, Policy
Edorrien@mhaonline.org

BaltimoreCounty_FAV_SB0752.pdf

Uploaded by: John Olszewski

Position: FAV

JOHN A. OLSZEWSKI, JR.
County Executive



JENNIFER AIOSA
Director of Government Affairs

AMANDA KONTZ CARR
Legislative Officer

WILLIAM J. THORNE
Legislative Associate

BILL NO.: **SB 752**

TITLE: Regulated Firearms – Maryland Voluntary Do Not Sell Firearm Process

SPONSOR: Senator Hettleman

COMMITTEE: Judicial Proceedings

POSITION: **SUPPORT**

DATE: February 27, 2024

Baltimore County **SUPPORTS** Senate Bill 752 – Regulated Firearms – Maryland Voluntary Do Not Sell Firearm Process. This legislation would allow an individual to voluntarily submit to a registry that states that the individual is not eligible to possess a firearm in Maryland.

SB 752 addresses a significant problem that we face in Maryland- the issue of those experiencing mental health crisis having access to firearms. Many police use of force instances have involved those who are experiencing a mental health crisis. When a firearm is involved, most of these cases end with a death. This legislation will allow someone to voluntarily give up their right to possess a firearm in Maryland. This change, in tandem with other reforms taking guns off our streets and our neighborhoods, will provide another avenue to addressing all too frequent gun violence. The ongoing gun violence epidemic demands any and every mitigation effort, and this volunteer registry has the potential to save lives across Maryland. Although the proposed registry would be maintained by the Maryland Department of Health, it is clear in the legislation that law enforcement entities such as the Baltimore County Police Department would have access to the registry, which is crucial. Baltimore County appreciates the continued cooperation between the State and Local governments to prevent gun violence and looks forward to expanding that partnership.

Accordingly, Baltimore County urges a **FAVORABLE** report on SB 752 from the Senate Judicial Proceedings Committee. For more information, please contact Jenn Aiosa, Director of Government Affairs at jaiosa@baltimorecountymd.gov.

SB752_HB794 - Do Not Sell - 2024 (Senate).pdf

Uploaded by: Karen Herren

Position: FAV



Testimony in **Support** of

Regulated Firearms - Maryland Voluntary Do Not Sell Firearm Process

SB752/HB794

Executive Director Karen Herren
Marylanders to Prevent Gun Violence

February 27, 2023

Dear Chair Smith, Vice-Chair Waldstreicher, and distinguished members of the committee,

Marylanders to Prevent Gun Violence (MPGV) is a statewide organization dedicated to reducing gun deaths and injuries throughout the state of Maryland. We urge the committee for a **FAVORABLE** report on Senate Bill 752 to establish a voluntary “do not sell” firearm registry.

In Maryland, approximately 36% of gun deaths are suicides. That is an average of 265 people who die. Another 32 are wounded in gun suicide attempts. The list established by this legislation would allow an individual to make a choice to place themselves on a “do not sell” list to help protect them from an impulse to purchase a firearm when they are least able to resist. The vast majority of suicides are performed in moments of crisis. Research indicates that if we can get the person through that moment there is an excellent chance they do not ultimately die of suicide. Access to lethal means is one of the key contributors to completion of a suicidal act. This voluntary list could be an effective tool for individuals and their families navigating complicated mental illnesses. MPGV urges a **FAVORABLE** report on SB 752.

Testimony Maryland SB752.pdf

Uploaded by: Karina Nathan

Position: FAV

I want to express my support for this bill.

My mother recently died by suicide with a handgun she had just purchased that same day. She did not want to die and she did not want to shoot herself. She wanted to live and play with her grandchildren. But a prescription drug side effect caused her to be impulsively suicidal. She was aware of this and frightened by her altered and dangerous mental state. She immediately took proactive steps to protect herself from suicide every way she legally could. She went to her doctors and psychiatrist regularly and maintained almost daily contact with them. She then voluntarily committed herself to inpatient psychiatric care multiple times in a row. She tried everything she could to not kill herself. Despite the best psychiatric care, my mom ultimately graduated from her hospital programs and impulsively searched for nearby gun stores on her iphone. She drove to the gun store and bought her first gun and shot herself. Our family called the police 5 times that day to prevent the tragedy that was unfolding. My mom had never even held a gun before. She took the gun to a public park and shot herself under a tree. My mom would have signed up for this list because she did not want to die.

Had she been an INvoluntary commitment to the psychiatric hospital she would have been protected from an impulsive suicidal gun purchase. But because she took the initiative to voluntarily commit herself to a psychiatric hospital she was not protected from purchasing a gun. A voluntary waiting period to purchase a gun could have saved her life. I want to be on this list too.

Thank you.

Katrina Brees

SB 752 - MoCo_Boucher_FAV (GA 24).pdf

Uploaded by: Kathleen Boucher

Position: FAV



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 752

DATE: February 27, 2024

SPONSOR: Senators Hettleman, Hester, and Waldstreicher

ASSIGNED TO: Judicial Proceedings

CONTACT PERSON: Kathleen Boucher (Kathleen.boucher@montgomerycountymd.gov)

POSITION: Support

Regulated Firearms – Maryland Voluntary Do Not Sell Firearm Process

This bill requires the State Police to establish a Maryland Voluntary Do Not Sell Firearm Registry. It establishes an application process for individuals who would like to voluntarily place their names on the Registry and removal process for individuals who would like to take their names off the Registry. The bill prohibits the sale or transfer of a firearm to an individual whose name is on the Registry. The bill is intended to be a suicide prevention measure that allows an individual with mental health challenges to voluntarily choose to be placed on the Registry at a point in the individual's life when she/he is clearheaded to protect the individual from moments of psychological crisis when she/he is at risk of suicide. Although an individual can request to be taken off the Registry at any time, the bill creates a mandatory waiting period of 21 days before the name will be removed.

The County supports this bill as a tool to help address mental health concerns by allowing individuals to opt out of firearms ownership if they have a history of mental health issues. Advocacy groups can cite numerous statistics regarding the overwhelming number of suicides and failed suicide attempts that involve firearms. However, the experience of vulnerable individuals goes to the heart of the matter. In an opinion piece published in *The Washington Post*, one individual described how this bill might help him: "I have mental clarity most of the time, but I know storms will come again. I want to have the ability to preempt crises. I want to have the ability to protect myself from the version of me that is not thinking clearly."¹ The County Executive and County Council respectfully request that the Senate Judicial Proceedings Committee give this bill a favorable report.

¹ Bryan Barks, *The Washington Post*, August 20, 2022.

Support - SB 752 - Md Voluntary Do Not Sell Firear

Uploaded by: Ken Shilling

Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of - SB 752 Regulated Firearms - Maryland Voluntary Do Not Sell Firearm Process

TO: Senator William Smith, Chair and
Members of the Judicial Proceedings Committee
FROM: Ken Shilling, Gun Violence Prevention Lead Advocate
Unitarian Universalist Legislative Ministry of Maryland
DATE: February 28, 2024

We, Unitarian Universalists, hold the life of each person to be sacred and therefore we feel the loss of each one due to gun violence. Our society has a collective responsibility for protecting all lives. Gun violence affects all of us, as the effects of one event ripples out into the community. When firearms are the cause of suffering, we should take steps to prevent this harm, where possible.

Individuals should have the right to register on a voluntary “do not sell registry.” People know when they should not have access to firearms. They know when they could be a danger to themselves, or to others.

Access to firearms is a major contributor to suicides. Preventing access to guns will decrease suicides by guns and save lives.

The measure before you today is another tool to protect all of us from gun violence. We ask you to stand on the side of love and justice. We urge you to vote for this bill, SB 752 and others that strengthen Maryland’s gun violence prevention laws.

We urge a favorable report,

Ken Shilling

Ken Shilling
Gun Violence Prevention Lead Advocate

SB752 FAV.pdf

Uploaded by: Morgan Mills

Position: FAV

February 27, 2024

Chair Smith, Vice Chair Waldstreicher, and distinguished members of the Judicial Proceedings Committee,

NAMI Maryland and our 11 local affiliates across the state represent a network of more than 58,000 families, individuals, community-based organizations, and service providers. NAMI Maryland is a 501(c)(3) non-profit dedicated to providing education, support, and advocacy for people living with mental illnesses, their families, and the wider community.

A Voluntary Do Not Sell Firearms Registry is a completely voluntary process in which an individual may request to be placed on a Do Not Sell Firearm Registry that prohibits them from obtaining firearms. An individual may request, at any time, to be removed from the registry. 21 days after the request, they are removed from the Do Not Sell Registry and are again able to purchase firearms should they choose to do so.

NAMI supports laws and policies that prevent unwanted use of firearms and self-harm. In 2020, suicide accounted for over half of the gun related deaths in the United States.¹ Firearms are particularly lethal; approximately 90% of gun suicide attempts result in death². Limiting access to a means of suicide plays a significant role in prevention.

When someone is experiencing a mental health crisis, their judgment is clouded. This legislation will allow someone, while in a stable state of mind, to acknowledge they may experience a future mental health emergency. A Do Not Sell Registry allows individuals to prepare for a potential crisis before it occurs. Placing themselves on this registry ensures that they will not impulsively buy a firearm that will cause themselves, their families, and their communities harm and trauma. 70% of people who made the decision to commit suicide took less than one hour between the decision and the actual suicide attempt³. Most suicidal crises are brief, so delaying firearms purchases will allow people in crisis the opportunity to reconsider their decisions post-crisis.

When guns are less available, fewer people will die from gun-related suicides. There will be a greater number of people with the ability to reconsider their decisions- and “90% of people who attempt suicide and survive never go on to die by suicide.”⁴

A Do Not Sell Registry is a voluntary way to prevent nonsensical gun deaths in the State by allowing people to be proactive about their life and personal safety. For these reasons, NAMI MD urges a favorable report.

¹ <https://www.pewresearch.org/short-reads/2023/04/26/what-the-data-says-about-gun-deaths-in-the-u-s/>

² <https://everytownresearch.org/report/firearm-suicide-in-the-united-states/>

³ [Characteristics of Impulsive Suicide Attempts and Attempters - Simon - 2002 - Suicide and Life-Threatening Behavior - Wiley Online Library](#)

⁴ <https://www.cambridge.org/core/journals/the-british-journal-of-psychiatry/article/fatal-and-nonfatal-repetition-ofselfharm/721FD68B3030C46E2070CC08CA869523>

Kathryn S. Farinholt
Executive Director
National Alliance on Mental Illness, Maryland

Contact: Morgan Mills
Compass Government Relations
Mmills@compassadvocacy.com

SB 752- LWVMD- FAV- Regulated Firearms- Maryland V

Uploaded by: Nora Miller Smith

Position: FAV



TESTIMONY TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE

SB0752: Regulated Firearms- Maryland Voluntary Do Not Sell Firearm Process

POSITION: Support

BY: Linda Kohn, President

DATE: February 27, 2024

The League of Women Voters is a nonpartisan organization that works to influence public policy through education and advocacy. The League supports violence prevention programs in all communities, funding for research on gun violence, and the regulation of firearms for consumer safety.

The League of Women Voters Maryland thus supports **Senate Bill 752: Regulated Firearms-Maryland Voluntary Do Not Sell Firearm Process.**

According to the Center for Disease Control,¹ there were 49,449 suicides in our country in 2022 -- the highest number ever recorded. **Over half of all suicides involve a firearm.** Per the Kaiser Family Foundation:² **"Firearms are the most lethal method of suicide attempts. [As] about half of suicide attempts take place within 10 minutes of the suicide thought, having access to firearms is a suicide risk factor."**

An average of 278 Marylanders die by firearm suicide each year. Every attempt should be made to help prevent these impulsive acts. House Bill 794 would create a voluntary registry for those who feel that they are at risk for suicide, and want to be prevented from purchasing firearms in a moment of despair. As this registry would be entirely voluntary, a person could also remove their name from the registry after a three-week waiting period.

Three states -- Utah, Virginia, and Washington -- have already passed legislation creating registries to help limit the ability of some of those most at risk of gun suicide to purchase a firearm.

The League of Women Voters Maryland, with 1,500+ concerned members throughout Maryland, urges a favorable report on Senate Bill 752.

¹https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2023/20231129.htm#:~:text=The%20new%20provisional%20data%20show,high%20was%2048%2C344%20in%202018.

² <https://www.kff.org/mental-health/issue-brief/do-states-with-easier-access-to-guns-have-more-suicide-deaths-by-firearm/>

2024 MD Voluntary Do Not Sell List Written Testimo

Uploaded by: Ramya Swami

Position: FAV

Brady
840 First St. NE Ste. 400
Washington, DC 20002



Testimony of Ramya Swami, Manager, State Policy, Brady
Support for SB 752 [FAV]
Before the Maryland Senate Judicial Proceedings Committee
February 27, 2024

Chair Smith, Vice Chair Waldstreicher and distinguished members of the Maryland Senate Judicial Proceedings Committee,

Founded in 1974, Brady works across Congress, courts, and communities, uniting gun owners and non-gun owners alike to end America’s gun violence epidemic. Our organization today carries the name of Jim Brady, who was shot and severely injured in the assassination attempt on President Ronald Reagan. Jim and his wife, Sarah, led the fight to pass federal legislation requiring background checks for gun sales. Brady continues to uphold Jim and Sarah’s legacy by uniting Americans across the country in the fight to prevent gun violence. There are evidence-based policy solutions that we know will help to prevent gun violence in Maryland.

The bill before you today, SB 752, will save lives by allowing proactive individuals in fear of harming themselves to voluntarily add themselves to a list of people who are prohibited from purchasing firearms. **For this reason, Brady strongly urges a favorable report from the Senate Judicial Proceedings Committee on SB 752.**

With SB 752, Maryland would follow the State of Washington’s lead in introducing a voluntary waiver as a suicide prevention tool. Each year, 265 people in Maryland die by firearm suicide.¹ Firearms are the most lethal method used in suicide deaths, with a fatality rate of approximately 90 percent.² Frequently, the decision to harm oneself is oftentimes made abruptly: A quarter of individuals who attempt suicide make the attempt within 5 minutes of deciding to end their lives.³ This means that putting barriers in place to prevent easy access to lethal means can delay a suicide attempt in the event of a crisis, giving someone

¹ Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Web-based Injury Statistics Query and Reporting System (WISQARS) [online]. (2005) [cited 2022 Jan 25]. Available from URL: www.cdc.gov/injury/wisqars

² Matthew Miller, “The Epidemiology of Case Fatality Rates for Suicide in the Northeast*1.” *Annals of Emergency Medicine* 43, no. 6 (2004): 723–30.

³ Simon, Olga Von, Alan C. Swann, Kenneth E. Powell, Lloyd B. Potter, M-j Kresnow and Patrick O'Carroll. “Characteristics of impulsive suicide attempts and attempters.” *Suicide & life-threatening behavior* 32 1 Suppl (2001): 49-59.

who is struggling more time to seek help. In fact, 46% of people at high risk of suicide at the University of Alabama Medical Center indicated they would voluntarily enroll themselves onto a firearm purchase delay list.⁴ This bill provides avenues for individuals who may be struggling with suicidal ideation to take action to keep themselves safe from firearms and will help prevent suicides in the State of Maryland.

Simply stated, this bill will save lives. Brady thanks the bill sponsor for their sponsorship of this bill and strongly encourages the Senate Judicial Proceedings Committee to vote in favor of SB 752.

Sincerely,
Ramya Swami

⁴ Vars FE, McCullumsmith CB, Shelton RC, Cropsey KL. Willingness of Mentally Ill Individuals to Sign Up for a Novel Proposal to Prevent Firearm Suicide. *Suicide Life Threat Behav.* 2017 Aug;47(4):483-492. doi: 10.1111/sltb.12302. Epub 2016 Oct 5. PMID: 27704597.

Firearms Process Amendment.pdf

Uploaded by: Shelly Hettleman

Position: FAV



SB0752/283921/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

23 FEB 24
14:05:22

BY: Senator Hettleman
(To be offered in the Judicial Proceedings Committee)

AMENDMENT TO SENATE BILL 752
(First Reading File Bill)

On page 4, in line 4, strike “**2024**” and substitute “**2026**”.

SB752_FAV_Hettleman.pdf

Uploaded by: Shelly Hettleman

Position: FAV

SHELLY HETTLEMAN
Legislative District 11
Baltimore County

Chair
Rules Committee

Budget and Taxation Committee

Subcommittees

Health and Human Services

Pensions



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SENATOR SHELLY HETTLEMAN
SB 752 REGULATED FIREARMS - MARYLAND VOLUNTARY DO NOT SELL FIREARM PROCESS

SB752 is a suicide prevention effort that empowers those who may be experiencing a serious mental health crisis. It is a way to prevent an opportunity to inflict self-harm and lethality at a time when someone is most vulnerable. This bill enables someone to voluntarily put themselves on a list so that they are prohibited from purchasing a firearm at a time when they may be at heightened risk for suicide. It is our hope, and many individuals who suffer from episodic mental illness tell us, that when individuals with mental illness are in periods of stability, they would take this effort to protect themselves.

According to the Centers for Disease Control, 26,328 people died by suicide using a firearm in the US in 2021. This bill would create an avenue for people to voluntarily place themselves on a 'do not sell' list for firearms as a public health measure to protect people with mental health disorders. Approximately one in five of these firearm suicides are by veterans. Over the past 15 years, the veteran firearm suicide rate has increased nearly every year, losing an average of 4,500 veterans every year—about 12 deaths a day.

This bill requires the Maryland Department of Health to create and maintain a voluntary do not sell firearm list by the end of this year and prohibits dealers or other persons from selling, renting, loaning or transferring a firearm to those registered. People who voluntarily place themselves on the list will be able to take themselves off, with a 21-day waiting period.

Firearms are the most common means used for suicide, making easy access to them a highly concerning matter for public health.¹ Public health data demonstrate that purchasing a gun and bringing it into your home—especially for first-time gun buyers—significantly increases the risk of suicide approximately threefold.²

On average, 265 Marylanders die of a firearm suicide each year, with suicide accounting for 36% of gun deaths in our state.³ Even more concerning, the Maryland firearm suicide rate has recently risen – declining in 2018 and 2019, from 45% to 43% respectively, to 52% in 2021. Unfortunately, some of the highest rise is among Black men.⁴

¹ <https://www.kff.org/other/issue-brief/do-states-with-easier-access-to-guns-have-more-suicide-deaths-by-firearm/>

² <https://www.nimh.nih.gov/health/statistics/suicide>

³ <https://everystat.org/#Maryland>

⁴ <https://publichealth.jhu.edu/2022/gun-deaths-spiked-during-the-pandemic>

While approaches like this voluntary self-prohibition are new, 3 states have recently passed laws: Washington, Utah, and Virginia. Since 2021, 33 people have placed themselves on the list in Virginia and 30 remain – you have an option to remove yourself from the list.

A 2017 survey of 200 individuals receiving treatment at both in and outpatient psychiatric clinics asked participants if they would put their own names on a “Do Not Sell” list to voluntarily waive their right to purchase a firearm. 46% of respondents said yes.⁵ This is a significant number of people, in this study conducted in Alabama, who desired restricted firearm access for their own well-being.

In gambling, we enable Marylanders to put themselves on a list to restrict their access to casinos – why shouldn’t we do the same here – where the stakes are even higher? In fact, according to the Maryland Lottery and Gaming Control Agency, 1,074 individuals have opted for a lifetime ban from gambling while 1,624 have a 2-year prohibition – self-induced.

It is imperative that Marylanders have the opportunity to restrict their access to firearms ahead of time if they know it will protect them in a time of crisis. We enable certain people to raise red flags about others via our Extreme Risk Protection Order program (ERPO), why shouldn’t we enable individuals to raise those red flags for themselves?

I urge a favorable report on SB 159, and I thank you for your consideration.

⁵ <https://pubmed.ncbi.nlm.nih.gov/27704597/>

SB 752 - SWA - MPS WPS.pdf

Uploaded by: Thomas Tompsett

Position: FWA



February 26, 2024

The Honorable William C. Smith, Jr.
Senate Judicial Proceedings Committee
Miller Senate Office Building – 2 East
Annapolis, MD 21401

RE: Support with Amendment – SB 752: Firearms - Maryland Voluntary Do Not Sell Firearm Registry - Establishment

Dear Chairman Smith and Honorable Members of the Committee:

The Maryland Psychiatric Society (MPS) and the Washington Psychiatric Society (WPS) are state medical organizations whose physician members specialize in diagnosing, treating, and preventing mental illnesses, including substance use disorders. Formed more than sixty-five years ago to support the needs of psychiatrists and their patients, both organizations work to ensure available, accessible, and comprehensive quality mental health resources for all Maryland citizens; and strive through public education to dispel the stigma and discrimination of those suffering from a mental illness. As the district branches of the American Psychiatric Association covering the state of Maryland, MPS and WPS represent over 1000 psychiatrists and physicians currently in psychiatric training.

MPS/WPS supports with an amendment, Senate Bill 752: Firearms - Maryland Voluntary Do Not Sell Firearm Registry – Establishment (SB 752). A "Voluntary Do Not Sell Firearm Registry" is a list of individuals who voluntarily choose to have their names included in a database that informs firearms dealers not to sell firearms to them. MPS/WPS contend that such registries have the following beneficial effects on both the individual and society as a whole: ¹

- **Empowering individuals:** The registry allows individuals to choose not to own firearms and provides a means for them to make this choice known to firearms dealers.
- **Addressing mental health concerns:** The registry can help address mental health concerns by allowing individuals to opt out of firearms ownership if they have a history of mental health issues. Further, research suggests that reducing access to firearms may be a factor in reducing suicide rates. Studies have shown that access to firearms increases the risk of suicide, especially among individuals who are experiencing a crisis

¹ Before we discuss the benefits, it is important to note that a voluntary do not sell firearms registry is not a substitute for comprehensive background checks and other measures to prevent firearms from falling into the hands of individuals who are not legally allowed to possess them. However, it can be a useful supplement to these measures and help to further support responsible firearms ownership.

or are at high risk of suicide. By reducing access to firearms, a voluntary do not sell firearm registry could potentially help to reduce the number of suicides. While voluntary do not sell firearms registries are not a complete solution to the complex issue of suicide, it is a meaningful step.

- **Supporting responsible firearms ownership:** The registry can be seen as a tool for responsible firearms ownership, as it will reduce firearm access to those who believe they may be a danger to themselves or the community if they possess them.
- **Improved public safety:** By reducing the number of firearms that fall into the hands of individuals for whom it might be dangerous to possess them, the registry can help to reduce instances of gun violence and improve public safety.

Where SB 752 falls short is that it allows a person who places oneself on the Do Not Buy list to purchase a traditional long gun, meaning a rifle or shotgun. A 2020 study, Prevalence of Long Gun Use in Maryland Firearm Suicides², found that “[l]ong guns are used in a large proportion of Maryland firearm suicides, particularly in rural areas and disproportionately in youth suicides. Long guns must be considered as part of access to lethal means or policy strategies in efforts to reduce the burden of firearm suicide.” Thus, SB 752 would have absolutely no effect if the person prohibited from buying a handgun can simply buy a long gun from the same counter. Therefore, MPS/WPS suggest the following amendment:

On page 3, in lines 12 and 15, in each instance, strike the brackets.

On page 3, strike in their entirety lines 13 through 14.

On page 3, in line 13, strike “(16)”.

On page 3, after line 18, insert:

(C) A DEALER OR OTHER PERSON MAY NOT SELL, RENT, LOAN, OR TRANSFER A REGULATED FIREARM OR A LONG GUN TO A PURCHASER, LESSEE, BORROWER, OR TRANSFEREE WHO THE DEALER OR OTHER PERSON KNOWS OR HAS REASONABLE CAUSE TO BELIEVE IS REGISTERED ON THE MARYLAND VOLUNTARY DO NOT SELL FIREARM REGISTRY ESTABLISHED UNDER § 5-902 OF THIS TITLE.

In addition, the waiting period for the return of firearm access after placing oneself on the Do Not Buy list be extended from twenty-one (21) days to one hundred and eighty (180) days because future episodes which may put the petitioner or the community in danger include

² See <https://injepijournal.biomedcentral.com/articles/10.1186/s40621-019-0230-y>



depressive, manic, or psychotic episodes which generally last longer than twenty-one (21) days. The amendment is as follows:

On page 5, line 13, strike “21” and substitute “ 180”.

In addition, MPS/WPS would like to see the following abstract amendments considered by this honorable committee:

- **Mental Health Care Information.** Petitioners should be provided with resources to mental health care at the time of filing their petition. This could include information on Maryland 9-8-8 crisis hotline.
- **Data collection.** Accessible data that also respects the privacy of the petitioner should be made available to improve the implementation and efficacy of the law.

With the amendments mentioned above adopted, MPS/WPS ask this committee for a favorable report on SB 752. If you have any questions with regard to this testimony, please feel free to contact Thomas Tompsett Jr. at tommy.tompsett@mdlobbyist.com.

Respectfully submitted,
The Maryland Psychiatric Society and the Washington Psychiatric Society
Legislative Action Committee

SB0752_Testimony_2A_Maryland.pdf

Uploaded by: John Josselyn

Position: UNF



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

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§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.

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HB0794 .pdf

Uploaded by: Karla Mooney

Position: UNF

HB0794/SB0752 Regulated Firearms - Maryland Voluntary Do Not Sell Firearm Process

Karla Mooney

21175 Marigold St

Leonardtown MD 20650

Resident of St. Mary' County Dist. 29C

I am State Director of The DC Project-Women for Gun Rights and the State Leader of the Armed Women of America. I stand in solidarity with the Ladies of both groups, numbering many more than just myself. I am also a professional Multi-disciplined Firearms Instructor and Maryland QHIC.

I respect the idea that someone could decide they should not be allowed to purchase a hand gun because of the mental state they are in. However, the creation of a voluntary registry raises privacy concerns regarding the collection and storage of individuals' personal information. There may be questions about how this information will be protected and who will have access to it.

Ensuring compliance with the registry could be challenging. Dealers and individuals may inadvertently sell or transfer firearms to individuals on the registry due to administrative errors or lack of awareness.

Prohibiting certain acts involving false information and discrimination related to the registry raises questions about enforcement and potential penalties. It may be challenging to prove instances of giving false information or discrimination, and there could be concerns about unintended consequences or misuse of this provision.

Requiring a custodian of records to deny inspection of certain records may raise issues related to transparency and government accountability. There could be

debates over which records should be exempt from inspection and under what circumstances.

Establishing and maintaining a registry could involve significant costs for the Maryland Department of Health, including costs related to technology, staff training, and ongoing administration.

There are court cases all over the country where a prohibited person was allowed to purchase a gun because their information never made it to the proper database to flag them as prohibited. Like so many laws on the books – if they were upheld as currently written we would all be better off. I believe this bill is just an add on to something that is not being done efficiently already and it would not work because the potential is there is no administrative process here that would be completed timely and appropriately an either end of the issue.

I ask that you find an unfavorable report on this bill.

SB 752 - JPR - MDH - LOI (1).pdf

Uploaded by: Jason Caplan

Position: INFO



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 27, 2024

The Honorable William C. Smith
Chair, Senate Judicial Proceedings Committee
2 East Miller Office Building
Annapolis, MD 21401-1991

RE: Senate Bill 752 – Regulated Firearms – Maryland Voluntary Do Not Sell Firearm Process – Letter of Information

Dear Chair Smith and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of information for Senate Bill (SB) 752 – Maryland Voluntary Do Not Sell Firearm Process. SB 752 requires the Department to create and maintain a Voluntary Do Not Sell Firearm Registry through which a person could enroll to be prohibited from obtaining a regulated firearm. The bill prohibits a firearms dealer from selling, renting, loaning, or transferring a regulated firearm to an individual on the registry. The Department would, upon the verification of an application, issue notice of the approved application to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services, and the Maryland State Police.

Between 2012 and 2019, firearms decreased as a mechanism of suicide (from 48% to 42%), then started to rise again, reaching 51% in 2021.¹ The Department supports the goal of preventing firearm-related violence, fatalities, and injuries. However, the bill will require infrastructure investment, as the Department would need to quickly establish access to data and data use agreements with the Motor Vehicle Administration and Comptroller for applicant verification, as well as new secure software to communicate results to the Maryland State Police and Central Repository. To develop the software required to support the Maryland Voluntary Do Not Sell Firearm Registry in the timeframe required (by December 31, 2024), the Department will need to engage short-term contract resources, which brings with it a cost of \$223,034 in the first year.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,

Laura Herrera Scott, M.D., M.P.H.
Secretary

¹ CDC WISQARS Maryland Fatal Injury Data, accessed (various dates) at <https://www.cdc.gov/injury/wisqars/fatal/index.html>