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POSITION ON PROPOSED LEGISLATION

BILL: SB 336 - Gun Theft Felony Act of 2025

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: 01/30/2025

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 336.

SB 336 would make the theft of a firearm a felony, and enact harsher sentences. This bill is an unfortunate step in the wrong direction and will not make Maryland safer.

Primarily, this bill creates a new felony conviction. Felonies are the highest level of crime. As such, people with felony convictions face increased challenges in gaining employment. Eighty-seven percent of employers conduct background checks. Most employers do not hire people with felony convictions and/or who have served time in prison. Sixty percent of incarcerated people remain unemployed one year after their release. This inability to gain employment desperately impacts a person's quality of life and ability to establish a livelihood without committing crime. Without the possibility of stable housing and income to provide for food and other necessities, people are forced to partake in illegal and not unsafe measures, increasing the risk of crime and making our communities less safe. Additionally, people with felony convictions are excluded from participating in food supplement programs in Maryland. With the prices of food on the rise, limited income and no access to food supplement programs, the options for a convicted felon to survive and meet their basic needs without reoffending are little to none.

Additionally, felonies result in many collateral consequences. Collateral consequences are legal restrictions that disqualify people convicted of crimes from accessing certain needs and benefits available to other citizens. Many of the collateral consequences experienced by people with felony convictions involve very basic needs, including employment, housing and public food benefits. In particular, a person with a felony conviction faces significant barriers accessing housing, especially affordable housing because of their conviction. Most, if not all, government

housing disqualifies applicants with felony convictions. Furthermore, families that live in public housing or have housing through a government voucher, are often not allowed to have family members with felony convictions live with them. Additionally, most landlords often do background checks and do not rent to people with criminal backgrounds and specifically felony charges. They could also be prohibited from reunifying with their families if their family lives in any form of public housing.

Finally, we know that longer sentences do not work as deterrence. Certainty and swiftness of a conviction are the primary ways that the criminalization of behavior works to deter that behavior. Research shows clearly that the chance of being caught is a vastly more effective deterrent than even draconian punishment.¹ To best address the issue of gun theft, we must focus on the root causes of the theft. We must pursue policies that will actually make our communities safe, including prioritizing public health approaches to gun violence and investing in community resources, infrastructure, and systemic supports.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on SB 336.

Submitted by: Government Relations Division of the Maryland Office of the Public Defender.

¹ <https://nij.ojp.gov/topics/articles/five-things-about-deterrence>.