

Dear Members of the Judicial Proceedings Committee

Uploaded by: Bruce Morgan

Position: FAV

Dear Members of the Judicial Proceedings Committee,

I support **SB 0336** and am asking the committee to have a **favorable report** on the Bill.

This is a “no-brainer”. Why has this common sense proposal not been passed in previous years?

We hear a lot about the legislature and constituents wanting to “get the guns off the street”. Maybe, just maybe, if theft of a firearm is a felony the prospective thief would think twice before committing that crime.

Just in the last few days we’ve heard of a child being seriously injured with a self-inflicted gunshot wound from a **STOLEN HANDGUN**. Possibly the child would not have had access to the handgun if the thief knew the theft was a felony instead of a misdemeanor.

This Bill is a positive step reducing gun theft and therefore less guns in the “stream of commerce” as the Vice-chair puts it.

Please render a **FAVORABLE REPORT ON SB 0336**

Bruce Morgan

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SB 336 Gun Theft Felony Act of 2025.pdf

Uploaded by: Cathy Wright

Position: FAV



**SB 336
Gun Theft Felony Act of 2025**

FAVORABLE

The Maryland State Rifle & Pistol Association (MSRPA) supports SB 336, Gun Theft Felony Act of 2025, a bill that would make the theft of a firearm a felony, rather than a misdemeanor, and increase penalties accordingly, regardless of the value of the stolen firearm.

Gun thefts are a serious threat to public safety. If Maryland's leaders are serious about reducing violent crime, then our state should treat gun thefts as a serious crime, not a slap on the wrist. Theft of firearms is considered a felony in many states, including Idaho, Arizona, Ohio, Washington, and California. In 2016, California voters approved Proposition 63 by more than 63%, which among other policies moved theft of a firearm from a misdemeanor to a felony.

Thieves and criminals know that if they steal a rifle, a shotgun, or a handgun, they will not be held accountable because the value of such firearm is most likely valued at less than \$1,500, and its theft is not punishable with imprisonment. The monetary value of a firearm is irrelevant when it is in the hands of someone with evil intent. We need to be committed to ensuring that our state laws are tools used to deter crime and make criminals accountable for their actions.

In previous years similar bills have been proposed and received significant favorable testimony. The MSRPA respectfully requests a FAVORABLE report on SB 336.

Thank you for your consideration.

Sincerely,

Cathy S. Wright
MSRPA VP, Legislative Affairs
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<https://msrpa.org>

The MSRPA is the official National Rifle Association state organization for Maryland. The MSRPA's mission is to defend your rights in Maryland, support training in firearm safety and shooting skills through its affiliated clubs, and sponsor and sanction local competition throughout the state.

SB0336_Testimony_2A_Maryland.pdf

Uploaded by: John Josselyn

Position: FAV



2A Maryland

2A@2AMaryland.org

**Senate Bill 0336
Gun Theft Felony Act of 2025
FAVORABLE**

During multiple Sessions over the last decade, bills which would elevate the severity of firearm theft above the level of a simple misdemeanor theft of property have been considered and rejected by the Maryland General Assembly.

Under existing law, the penalty for the theft of firearms is based on the value of the property stolen. The theft of an inexpensive but fully functional firearm with a value under \$100 is a misdemeanor offense punishable by up to 90 days imprisonment or a fine not exceeding \$500 or both.

For a first offense, a person who steals multiple fully functional firearms with a combined value of less than \$1,500 is guilty of only a misdemeanor and subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both. A conviction for this offense does not result in prohibiting the offender from legally owning a firearm.

For a second or subsequent offense, a person who steals multiple fully functional firearms with a combined value of less than \$1,500 is guilty of only a misdemeanor and subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both. This offense also does not result in prohibiting the offender from legally owning a firearm.

Firearms theft does not reach the level of a felony until the value exceeds \$25,000.

The mere possession of a home-built un-serialized firearm is a misdemeanor offense and upon conviction a person is subject to imprisonment for up to 5 years or a fine not exceeding \$10,000 or both. A conviction results in a lifetime prohibition on owning or possessing a firearm. This penalty makes stealing a fully functioning factory-built firearm rather than building a so-called “ghost gun,” a far more attractive option.

Senate Bill 0336
Favorable

There are multiple provisions in Maryland's gun control laws which provide for much harsher penalties for simple "paper" infractions which involve no criminal intent, much less actual criminal actions. Why does the State punish an otherwise law-abiding citizen more severely than a criminal who is supplying stolen firearms to other criminals?

Senate Bill 336 treats the theft of a firearm as the serious crime it is and places the focus on the criminal and the criminal behavior involved in the theft of a firearm. Once stolen, a firearm is no longer in the stream of lawful commerce and will only be possessed, transferred, or used in violation of the law. It is time for the Maryland General Assembly to recognize the severity of crimes involving the theft of a firearm.

Elevating the severity of firearms theft from a simple misdemeanor to a felony offense with significant penalty provisions is not only appropriate but necessary. Further, the penalty provisions should be increased to reflect the severity of the crime.

We strongly urge a favorable report on Senate Bill 336.

Respectfully,

John H. Josselyn
2A Maryland
01/30/2025

SB336StolenFirearms.pdf

Uploaded by: Justin Ready

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

January 30, 2025

SB 336 - Gun Theft Felony Act of 2025

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

Senate Bill 336 would exclude theft of a firearm from the general theft statute and classify theft of a firearm as a felony offense. The first conviction would impose a 5-year imprisonment and/or a \$1,000 fine. The second conviction would impose a 10-year imprisonment and/or a \$2,500 fine.

Under current law, theft of a firearm is subject to general theft statute, which imposes penalties based on the value of the stolen property. Therefore, a first-time offender who steals a \$600 handgun would receive only a misdemeanor charge, with a maximum 6-months in jail and/or a \$500 fine. A second or subsequent conviction is only a possible 1-year imprisonment and/or a \$500 fine.

According to the Bureau of Alcohol, Tobacco, Firearms, and Explosives, more than 4,500 firearms were reported stolen from private citizens in Maryland between 2017 and 2021. An estimated 22.8% of all firearms reported stolen between those years were ultimately recovered in-state.¹

Additionally, a 2023 Gonzales Poll shows 89 percent of Marylanders think it should be a felony to possess a stolen firearm.² It is clear that our communities want stronger punishments for those who knowingly steal a firearm.

Current law does not impose serious enough penalties to deter people from stealing firearms, or using a firearm that you knowingly purchased from someone who stole it. We need to get illegal guns off the streets of Maryland and reduce the violent crimes they are used to commit.

I respectfully request a favorable report on Senate Bill 336.

¹ National Firearms Commerce and Trafficking Assessment (NFCTA): Crime Guns – Volume Two

<https://www.atf.gov/firearms/national-firearms-commerce-and-trafficking-assessment-nfcta-crime-guns-volume-two>

² Marylanders Overwhelmingly Feel the Possession of A Stolen Firearm Should Be A Felony

<https://foxbaltimore.com/morning/marylanders-overwhelmingly-feel-the-possession-of-a-stolen-firearm-should-be-a-felony>

SB0336.pdf

Uploaded by: Karla Mooney

Position: FAV

SB0336 Criminal Law – Gun Theft Felony Act of 2024

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 of these groups, numbering many more than just myself.

I agree with the update to consider theft of a firearm to be considered a felony. The penalty now is not even a penalty because the cost of a firearm is often under \$1500 – it is a slap on the wrist. We have to go after the persons who are knowingly committing the crimes – not law abiding citizens. When there are consequences there are deterrents for criminals. Please consider this bill as an increase to law-abiding citizens safety as it will remove criminals from the streets who knowingly possess and use stolen firearms to commit violent crimes.

Please find a favorable report on SB0336

MSI Testimony on SB 336 theft of a firearm.pdf

Uploaded by: Mark Pennak

Position: FAV



January 30, 2025

WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN SUPPORT OF SB 336

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is a Section 501(c)(4), all-volunteer, non-partisan organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of Maryland and of the Bar of the District of Columbia. I recently retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland firearms law, federal firearms law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License (“HQL”) and a certified NRA instructor in rifle, pistol, personal protection in the home, personal protection outside the home and in muzzle loader. I appear today as President of MSI in SUPPORT of SB 336.

The Bill

The purpose of this bill is to provide for greatly enhanced penalties for the theft of a firearm. Under current law, theft of any firearm is treated just like the theft of any other piece of personal property. Under MD Code Criminal Law § 7-104(g)(2), “a person convicted of theft of property or services with a value of at least \$100 but less than \$1,500, is guilty of a misdemeanor and: (i) is subject to: 1. for a first conviction, imprisonment not exceeding 6 months or a fine not exceeding \$500 or both; and 2. for a second or subsequent conviction, imprisonment not exceeding 1 year or a fine not exceeding \$500 or both. The bill would make theft of a firearm a felony and would impose, on the first offense, a term of imprisonment not exceeding 5 years and/or a fine of \$1,000. Subsequent offenses are punishable by imprisonment for a term not less than 5 years and not exceeding 10 years and/or a fine not exceeding \$2,500. These punishments are similar to the provisions passed in 2020 by the Senate in SB 35 which likewise made theft of a firearm (not merely a handgun) a felony and punished such theft with imprisonment for up to 5 years and a fine of \$10,000. SB 35 further required the thief to restore the firearm to the owner or pay the owner the value of the firearm. That compensation requirement is not in this Bill but could be amended to add it.

The Bill Is Necessary For the Public Safety:

Simply put, it is unbelievable that theft of a firearm is punishable so lightly under current law. The value of most firearms, including most handguns, falls into the range of between \$100 and \$1,500 and thus theft of such firearms is currently punished **at most** by 6 months in prison and/or a small fine. In reality, persons convicted of such a crime don’t see any jail time at all, as the Maryland Sentencing Guidelines classify this property crime as the least serious offense listed in the Guidelines and one that is actually punished by mere probation.

See Maryland Sentencing Guidelines Manual, Matrix, Property Offenses, § 8.4 (available at <https://bit.ly/42vqGQg>). There is simply no incentive to investigate or prosecute this theft crime under current law and thus actual prosecution to conviction is very rare. Compare this non-punishment for the thief to the \$500 fine imposed on **the victim** of gun theft for a mere failure **to report** a theft of a firearm within 72 hours. See MD Code, Public Safety, § 5-146. A second offense of a failure to report is punished even more severely, with 90 days of imprisonment and/or a \$500 fine. It should be obvious that a thief is more culpable than the victim. Yet, what is the point of reporting the theft if nothing happens to the thief? Indeed, because this theft crime is punished so lightly under current law, the convicted thief **remains free to legally buy and legally possess a firearm, including a handgun.**

Since this offense is currently a misdemeanor and is not punishable by imprisonment of more than two years, a conviction for theft of a firearm is not even sufficient to render the person a disqualified person under federal and state law. See 18 U.S.C. 921(a)(20)(B), Public Safety, § 5-101(g)(3). In contrast, by changing the offense to a felony, this bill would render a person convicted of this crime a disqualified person under federal and state law and thus may not possess modern firearms or modern ammunition for life. See 18 U.S.C. § 922(g)(1), MD Code, Public Safety, § 5-101(g)(2). Given the severe public safety consequences associated with stolen firearms, that result is fully appropriate.

Subsequent possession of any modern firearm or ammunition by a person subject to this firearms disability is punishable by up to 15 years of imprisonment under federal law. See 18 U.S.C. § 924(a)(8). Maryland law likewise bans possession of a regulated firearm (handgun or assault weapon) by a disqualified person. MD Code, Public Safety, § 5-133(b)(1). Possession of a regulated firearm by such a disqualified person is punishable with up to 5 years of imprisonment and/or a fine of \$10,000 under MD Code, Public Safety, § 5-144(b). By contrast, under Maryland law, possession of a regulated firearm by a felon previously convicted of a **crime of violence** is punished more severely; such possession is “subject to imprisonment for **not less** than 5 years and not exceeding 15 years.” MD Code, Public Safety, § 5-133(c)(2). Similarly, simple possession of a rifle or a shotgun by any disqualified person is punishable by imprisonment of 3 years and/or a fine of \$1,000. See MD Code, Public Safety, § 5-205(d).

Stealing a firearm is a serious threat to the community and, as such, well deserving of actual punishment. The federal BATF 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.” <https://www.foxnews.com/us/where-do-criminals-get-guns>. See also David J. Cherrington, *Crime and Punishment: Does Punishment Work?* at 4 (2007) (“Studies of punishment have shown that individuals who have observed others being punished change their behavior almost as much as those who were actually punished.”), available at <https://scholarsarchive.byu.edu/cgi/viewcontent.cgi?article=1953&context=facpub>.

Indeed, the non-punishment accorded to the thief is particularly striking in light of the **severe penalties** that Maryland metes out to otherwise law-abiding citizens of Maryland who inadvertently happen to run afoul of one of the many criminal provisions of Maryland’s firearms law. For example, a new resident of Maryland who neglected to register his or her regulated firearm within 90 days of becoming a Maryland resident, as required by MD Code, Public Safety, § 5-143, risks imprisonment for **5 years** and/or a \$10,000 fine under MD Code,

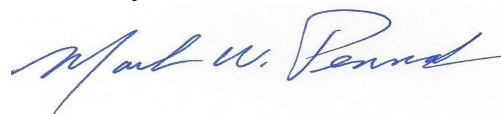
Public Safety, § 5-144(b). A law-abiding person who merely “receives” a handgun in Maryland without possessing a Handgun Qualification License issued under by MD Code, Public Safety, § 5-117.1, likewise risks **5 years** imprisonment and/or a fine under Section 5-144.

An otherwise innocent “transport” or possession in Maryland of a so-called “assault weapon” banned by MD Code Criminal Law §4-303, including by a non-resident who is merely traveling through the State, is punishable by up to **3 years** imprisonment and/or a fine of \$5,000 under MD Code Criminal Law §4-306, regardless of whether the person even knew of the prohibition. No *mens rea* showing is required. Under MD Code Criminal Law § 4-203(c)(2), a person is “subject to imprisonment **for not less than 30 days and not exceeding 5 years** or a fine of not less than \$250 and not exceeding \$2,500 or both” for as little as leaving an unloaded handgun in the car’s trunk while doing grocery shopping on the way home from the range. Such a stop is arguably an improper “transport” in a vehicle under Section 4-203(a)(1)(ii) under the exception set forth in Section 4-203(b)(4). The “knowingly” *mens rea* requirement for this “transport” offense is presumed under Section 4-203(a)(2).

And severe punishment is not restricted to firearms. Absentmindedly taking a folding penknife (e.g., a Swiss Army knife) anywhere onto public school “property” (including while in a vehicle) is an arguable violation of MD Code Criminal Law §4-102, and that crime is punishable by imprisonment not exceeding **3 years** or a fine not exceeding \$1,000 or both, regardless of scienter. Under MD Code Criminal Law, § 4-101(c)(1),(d), merely carrying **pepper mace** in one’s pocket can be punished by **3 years** of imprisonment and/or a \$1,000 fine. Again, no *mens rea* required. Because all these crimes are punishable by more than 2 years of imprisonment, a conviction of any one of these crimes will result in a life-time firearms disqualification under both federal and State law, regardless of the actual sentence received.

Maryland should not be punishing mistakes by otherwise innocent persons so severely while letting actual **thieves of firearms** off the hook with the proverbial “slap on the wrist.” After all, thieves know that stealing is criminal. Nothing good can come from stealing a firearm. In 2020, JPR favorably reported on the comprehensive provisions of SB 35 by a vote of 10-1 with only then-Senator Carter casting a nay vote. We urge a unanimous favorable report on this stand-alone bill.

Sincerely,



Mark W. Pennak
President, Maryland Shall Issue, Inc.
mpennak@marylandshallissue.org

SB 336 - MSAA FWA.pdf

Uploaded by: Patrick Gilbert

Position: FWA



Maryland State's Attorneys' Association

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Rich Gibson
President

Steven I. Kroll
Coordinator

DATE: **January 28, 2025**

BILL NUMBER: **SB 336**

POSITION: **Favorable with Amendment**

The Maryland State's Attorneys' Association (MSAA) supports Senate Bill 336 with the inclusion of two minor amendments that clarify the bill's scope and afford prosecutors and courts flexibility to address situations involving the theft of rare or expensive firearms.

Theft of a firearm presents a unique harm – in addition to the ordinary harm inflicted on victims in every theft case, stolen firearms can quickly be diverted into criminal markets, used in violent crimes, or otherwise contribute to the growing threat of gun violence in our communities. By making theft of a firearm a felony offense, punishable by a maximum sentence of five years, SB 336 sets out to address this harm by deterring the conduct and punishing those that would choose to engage in it.

MSAA suggests two amendments to better fit the bill to its purpose. First, MSAA requests that the Committee consider amending the bill to define the term “firearm” using the definition in MD. CODE ANN., PUB. SAFETY § 5-101(h) – defining this term will provide clarity to the public, to prosecutors and defense attorneys, and to courts as they are tasked with applying this law in individual cases.

Second, MSAA is concerned that SB 336, in exempting theft of a firearm from prosecution under the general theft statute, may unintentionally restrict the ability of courts to hold offenders accountable in situations involving the theft of uniquely high-value firearms, or firearms of great historical significance. In the event a firearm with a value exceeding \$25,000 is stolen, prosecutors would be restricted to the maximum penalty of five years in the firearm theft statute created by SB 336 – by amending the bill to allow prosecutors to choose whether to proceed under the general theft statute or under the firearm theft statute, prosecutors could seek the greater sanctions provided for in the general theft statute for crimes involving property exceeding \$25,000 in value. Building in this flexibility will allow prosecutors to address these infrequent, but significant, offenses on an individual basis, finding justice for victims and protecting the safety of the community.

2025 30 1 OPD Opposition Gun Theft Felony SB339.do

Uploaded by: Elizabeth Hilliard

Position: UNF



NATASHA DARTIGUE

PUBLIC DEFENDER

KEITH LOTRIDGE

DEPUTY PUBLIC DEFENDER

HANNIBAL KEMERER

CHIEF OF STAFF

ELIZABETH HILLIARD

DIRECTOR OF GOVERNMENT RELATIONS

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>.