



March 03, 2026

WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN SUPPORT OF SB 677

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is a Section 501(c)(4) all-volunteer, non-partisan, non-profit 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 677.

Existing Law and The Bill:

As amended in 2023 as part of HB 824, 2023 Maryland Session Laws, Ch. 651, codified in part at MD Code, Public Safety, § 5-306(a-1), current Maryland imposes a long list of training requirements that applicants for a Maryland wear and carry permit must satisfy. This Bill incorporates and preserves the most sensible of those requirements, including classroom instruction on “State and federal firearm laws, including laws relating to: 1. self-defense; 2. defense of others; 3. defense of property” as well instruction on “the locations where a person is prohibited from possessing a firearm regardless of whether the person possesses a permit issued under this subtitle.” The Bill also retains instruction on “conflict de-escalation and resolution; anger management; and suicide prevention” and leaves untouched the scored, live-fire requirement that demonstrates “safe handling of a handgun; and shooting proficiency with a handgun.” The Bill retains the requirement of 16 hours of training and continues to require instruction on “the law concerning armed trespass under § 6-411 of the Criminal Law Article” and on “the locations where a person is prohibited from possessing a firearm regardless of whether the person possesses a permit issued under this subtitle.

What the Bill adds are the following amendments to the substantive training requirements imposed by Section 5-306(a-1). These training requirements both incorporate existing requirements found in Section 5-306(a-1) and add new requirements, providing:

FIREARM TRAINING, INCLUDING:

1. HANDGUN NOMENCLATURE AND SELECTING A HANDGUN FOR SELF-DEFENSE;
2. AMMUNITION KNOWLEDGE AND DEFENSIVE AMMUNITION SELECTION;
3. BASIC DEFENSIVE HANDGUN SKILLS;
4. DRAWING A HANDGUN FROM CONCEALMENT;
5. LOADING AND STOPPAGE REMEDIATION;
6. MINDSET, INCLUDING RESPONDING TO AN ATTACK AND THE AFTERMATH OF AN ATTACK;
7. HANDGUN CONCEALMENT AND CARRY MODES
8. HOME FIREARM SAFETY; AND
9. SAFE FIREARM STORAGE, CLEANING, AND MAINTENANCE;

Discussion:

This is a gun bill that makes sense. While many in the General Assembly may remain opposed to the Supreme Court’s ruling in *NYSRPA v. Bruen*, 597 U.S. 1 (2022), the fact remains that *Bruen* is the law of the land. As a result of that ruling, Maryland currently has approximately 200,000 carry permit holders who carry loaded handguns outside the home. That is reality. The training amendments that would be enacted by this Bill are real-life skills and practices that these 200,000 carry permit holders should understand, both for their own protection and the protection of those around them. Instruction **for permit holders** should be focused directly on skills and knowledge for carrying outside the home lawfully and safely, not instruction on multiple facets of State and federal firearms law that have little or no direct application to carry outside the home.

For example, Maryland law, as amended in 2023 by HB 824, requires that a permit holder carry concealed. See MD Code, Public Safety, § 5-307(b). Such concealed carry can be done safely in multiple ways but such carry, improperly performed, can also put the permit holder and those around her at unnecessary risk. This Bill addresses that risk by requiring instruction on DRAWING A HANDGUN FROM CONCEALMENT. Similarly, “BASIC DEFENSIVE HANDGUN SKILLS” and “MINDSET,” as itemized by this Bill are critically important to the lawful use of lethal force for the defense of self and of others. LOADING AND STOPPAGE REMEDIATION are important skills during active self-defense. How to clear a jam or when to do a magazine swap in high-pressure situations can be lifesaving.

MINDSET training is especially critical because it will often spell the difference between success and failure. Mindset training will enhance the ability of the permit holder to be situationally aware of emerging threats and respond in ways (such utilizing basic OODA Loop¹ decision-making skills) that may even eliminate the need for lethal force. Mindset training goes hand in hand with “conflict de-escalation and resolution,” a training requirement retained by this Bill. That sort of instruction is vital to ensure that lethal force is used only as a last resort and, if lethal force is used, then such use is successful in defending innocent lives. It is not enough to teach the law. That instruction must be combined with instruction in the DEFENSIVE HANDGUN SKILLS and MINDSET directly

¹ “OODA” refers to “Observe, Orient, Decide and Act,” a decision-making model for combat famously developed by United States Air Force Colonel John Boyd in the early 1970s. https://en.wikipedia.org/wiki/OODA_loop.

associated with carrying a loaded firearm outside the home. This Bill ensures that sort of training.

The existing training items set aside by this Bill are either duplicative of training retained by the Bill (e.g., HOME FIREARM SAFETY and SAFE STORAGAGE) or previously received in Handgun Qualification License training or far less focused on carry than the training requirements imposed by this Bill. For example, the Bill repeals requirement training “for reporting a loss or theft of a firearm to a law enforcement agency as required by § 5–146 of this title.” Knowledge of the requirement may be important but virtually every carry permit applicant already has a Handgun Qualification License in which this subject is covered by the required training. Specifically, the HQL statute, MD Code, Public Safety, § 5-117.1(d)(3) already requires 4 hours of training, including “classroom instruction on: 1. State firearm law; 2. home firearm safety; and 3. handgun mechanisms and operation, and a firearms orientation component that demonstrates the person's safe operation and handling of a firearm.” This Bill builds on that instruction by requiring focused training in BASIC DEFENSIVE HANDGUN SKILLS. Repeating HQL instruction is pointless and a waste of valuable instruction time for carry permit applicants.

Other requirements imposed by current law have very limited application to concealed carry outside the home. Very few (if any) carry permit applicants need or would find useful instruction on the legal complexities imposed by the National Firearms Act of 1934 concerning “the types of firearms that require a special permit or registration to acquire or possess under State or federal law,” the instruction required by current law. The relatively few permit holders who acquire NFA items (e.g., short-barreled rifles or machine guns) become fully aware of these requirements during the NFA application process imposed by federal law. Permit holders carry **ordinary handguns**, not NFA items. Requiring NFA instruction for **every** carry permit applicant wastes valuable instruction time that can be better focused on the skills necessary to carry an ordinary handgun outside the home.

Similarly, instruction on straw purchases, required by current law, has nothing to do with concealed **carry** because straw purchases relate solely to the **acquisition** of arms, not the carry of arms. Carry permit applicants have almost always **already acquired** the handguns that they wish to carry. Many are highly experienced with firearms. Such prior acquisition means that these applicants have already received instruction regarding illegal straw purchasing in obtaining a Handgun Qualification License, a license that **is directly** connected to the **acquisition** of a handgun. In any event, the ban on straw purchases **is expressly stated** on federal form 4473 and State form 77R that **every** handgun purchaser must read and fill out on **each** purchase of a regulated firearm.

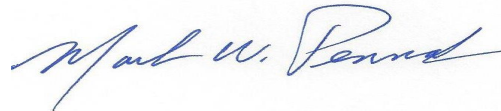
Specifically, Question 2 on the 77R asks: “Are you participating in a straw purchase of a regulated firearm? (Straw purchase means a transaction in which an individual uses another person, known as the straw purchaser, to complete the application to purchase a regulated firearm, take initial possession of that firearm and subsequently transfer that firearm to the first individual.)” Similarly, Question 21a. on the federal form 4473 asks if the purchaser is “the actual transferee/buyer,” explaining that “You are not the actual transferee/buyer if you are acquiring any of the firearm(s) on behalf of another person.”

Straw purchasers engage in such illegal conduct (a felony under federal law and a major misdemeanor under State law) despite this **actual notice**. Requiring instruction on straw purchases for permit holders will not affect straw purchasing in the slightest.

Finally, carrying a firearm outside the home does not require instruction on the disarmament that may be required by protective orders and ERPO orders, as required by current law. Individuals subject to such orders are uniformly informed of the disarmament requirement during that process. What permit holders do need is training on the matters added by this Bill.

Again, the Bill makes sense. We urge a favorable report.

Sincerely,

A handwritten signature in blue ink that reads "Mark W. Pennak". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Mark W. Pennak
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