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Bill Number: HB 863

Position: Favorable with Amendments

The Maryland State's Attorneys' Association (MSAA) supports House Bill 863 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, HB 863 sets out to address this harm by deterring the conduct and punishing those that would choose to engage in it.

MSAA again 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 HB 863, 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 HB 863. 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.