

HB 126
Regulated Firearms – Seven-Day Waiting Period – Exceptions

FAVORABLE

HB 126 would remove the seven-day waiting period for the purchase and transfer of a regulated firearm for Maryland citizens who are either active/retired law enforcement or who possess a valid Maryland Wear & Carry Permit. Waiting periods are arbitrary impositions with no effect on crime or suicide, introduce no additional investigative avenues, and only burden law-abiding gun owners without changing how or when criminals obtain firearms.

Waiting periods were once part of federal law, mandated by the Brady Handgun Violence Prevention Act of 1993 – but only until the National Instant Criminal Check (NICS) came online in 1998. The five-day waiting period mandated under the Brady Bill was replaced with the instant check system. While most checks are instant, the FBI actually has three days to complete the background check before the transfer can proceed. The investigation can continue well past three days, and in cases in which the firearm was transferred after the three-day window, the case is referred to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE) for retrieval of the firearm.

Arguments for waiting periods focus on two easily disproven claims: waiting periods allow more time for the background investigation and allow for a “cooling off” period. There is no evidence to support either claim.

First, the mechanism of the background check is not altered in the presence of a waiting period. The FBI would still run the prospective buyer’s information against the same databases containing the same information they do now. Most buyers will continue to be approved instantly, and those who are flagged for additional investigation will still be flagged for additional investigation. The investigation itself remains the same and can continue for 90 days, when the data is required to be destroyed. No additional information will be uncovered with the addition of a waiting period on top of the existing three-day delay.

Proponents of the waiting period claim it is a “cooling off period” that supposedly gives the prospective buyer time to reconsider their intentions and protect against impulsive actions. This argument has no logical basis. Two-thirds of gun owners own more than one gun. A cooling-off period for these gun owners could not possibly have an effect as they already own other firearms. Anecdotal evidence about a person who purchases a firearm and then immediately uses it to harm themselves or somebody else is just that: anecdotal. There is no scientific evidence that waiting periods have any effect on suicide, homicide, or mass shootings.

Criminals will not be affected by waiting periods. Most state inmates who were in possession of a firearm at the time of their arrest obtained the firearm through an illegal source or from a friend or family member. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, “[Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016.](#)” 2019. p7.

I respectfully request a FAVORABLE report on HB 126.

Thank you for your consideration.

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