



Testimony for the House Judiciary Committee

February 25, 2026

HB 1061 - Wearing, Carrying, or Transporting a Handgun- Prior Convictions

UNFAVORABLE

The ACLU of Maryland opposes HB 1061. We strongly oppose legislation that needlessly enhances sentencing, including for extra jurisdictional crimes. HB 1061 seems to be another way for the state to “stack” a defendant's criminal charges without actually addressing public safety concerns. Implementing harsher penalties despite overwhelming research showing that “tough on crime” initiatives have been ineffective in reducing violent crime or recidivism is an outdated approach to public safety. Additionally, Punitive sentencing policies in Maryland have resulted in a deeply racially disproportionate criminal justice system.¹ Research shows Black people are vulnerable to serving longer sentences and that increasing criminal penalties does little to deter crime. Seeking to broaden the scope of prior convictions that will be subject to mandatory minimums will result in increased distrust in the police and the mass incarceration of people of color.

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We oppose criminal reforms that do not meaningfully improve public safety

In passing the Justice Reinvestment Act of 2016, legislators expressed concern for Maryland’s bloated prison population and racial disparities in sentencing while addressing public safety. Instead of reducing Maryland’s prison population, HB 1061 would further existing racial disparities in sentencing. The war on guns will have the same impact as the war on drugs, with little benefit to public safety, as seen recently in Chicago. A Marshall Project analysis found that from 2010 to 2022, Chicago police made more than 38,000 arrests for illegal gun possession.² These arrests almost always bore misleading names that implied violence. Chicago police justified their focus on confiscating guns as a way of curtailing violence, but these tactics have not substantially reduced shootings. Studies showed that those convicted of felony gun possession did not go on to commit a violent crime, and the majority of those sentenced to prison for gun possession did not have past convictions for violence. This rings true in Maryland as well. In 2019, 52% of people charged with a firearm offense were solely carrying a firearm and were not convicted of any other crime. HB 1061 would directly counter goals to reduce the bloated prison population if offenders are saddled with the burden of additional jail time over sentencing enhancements.

Enhanced sentences yield little to no public safety benefits. Evidence shows that longer sentences do not deter crime more effectively than shorter sentences.

There is no evidence that there is a public safety benefit to increasing sentencing lengths. Research consistently shows that higher incarceration rates are not associated with lower violent crime rates. The weak association between higher incarceration rates and lower crime rates applies almost entirely to property crime.³ There is also growing evidence that, for many offenders, adding days, months, or years to prison sentences has no impact on recidivism.

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Furthermore, according to the National Institute of Justice, it is the certainty of being caught that deters a person from committing a crime, not the fear of being punished or the severity of the punishment.⁴ Focusing on minor or low-level offenses like illegal gun possession instead of the actual violent crime or gun traffickers has repeatedly proven ineffective in reducing violent crime. For example, comparing Baltimore City numbers from 2019, the year with the most homicides over the past 30 years, with 2011, the year with the least murders during the same time period, proves this. In 2019 in Baltimore City, there were 348 murders, 2,203 gun seizures, and 1,161 weapons possession arrests. In 2011, there were 196 murders, 2,178 gun seizures, and 1,224 weapons possession arrests.⁵

Enhanced sentences are an expensive way to achieve little public safety.

Increasing criminal penalties is neither necessary to make communities safer nor an effective use of resources. Growing evidence suggests that responses from outside the criminal legal system, like funding for community and hospital-based violence intervention programs, will make communities safer. Additionally, the costs of high incarceration are not just felt by the government. Incarceration reduces economic mobility and has a lasting impact on families and communities.

For the foregoing reasons, the ACLU of Maryland urges an unfavorable report on HB 1061.