

FOP_SWA_sb422

Uploaded by: young, michael

Position: FWA



ISMAEL VINCENT CANALES
STATE PRESIDENT

MARYLAND STATE LODGE
FRATERNAL ORDER OF POLICE®

1506 LESLIE ROAD, BALTIMORE, MD 21222



KENNETH SCHUBERT
SECRETARY
EARL KRATSCH
TREASURER

Senate Bill 422- Support with Amendment

Amendment offered by: Fraternal Order of Police

1. On page 2, line 11 – insert after the word “Active”:

“Or retired”

Purpose: This amendment allows for retired law enforcement officers to be exempt from the requirements of the bill as active law enforcement are.

Contact: Frank Boston, 410-323-7090

Stoney Creek Fishing & Hunting Club-Unf-SB 422

Uploaded by: Mathison, Theodore

Position: UNF

Stoney Creek Fishing & Hunting Club
9090 Ft. Smallwood Rd.
Pasadena, MD 21122

February 13, 2020

SB 422 Firearms – Permit to Carry, Wear, or Transport – Required Courses
Testimony submitted by the Stoney Creek Fishing and Hunting Club
Opposed

The Stoney Creek Fishing and Hunting Club, which has some 300 members and has been in existence for over 70 years, **OPPOSES** SB 422. We oppose the Bill because its requirements would duplicate those of existing law, and it would be costly and burdensome for those citizens seeking a “wear and carry permit” to protect their lives.

The citizens of Maryland have the right under State law to protect themselves when their lives are in danger be they faced with domestic violence situations, are in high risk occupations or who must carry large sums on money or other valuables. This is the purpose of the “wear and carry permit” process. To obtain such a permit they must undergo thorough background checks, receive special training and be fully vetted by the Maryland State Police (MSP). Public Safety, Subtitle 5-306, mandates 16 hours of formal training for the initial issuance of a permit, and 8 hours of instruction for a permit renewal. Initially, a permit is valid for 2 years, and thereafter it is subject to renewal every three years. Both the 16 and 8 hour instructional blocks include two components, classroom instruction and a firearms qualification component. Classroom instruction addresses State firearm law; home firearm safety; and handgun mechanisms and operation. The firearms “qualification component” is to demonstrate “...the applicant’s proficiency and use of the firearm...” All instruction must be performed by an MSP certified instructor.

In addition to these strict requirements, SB 422 would add training on “situational awareness” and “competent handling of a firearm.” These courses would be required annually on top of the 16 hours or 8 hours, respectively, of instruction already mandated. Further, SB 422, does not specify the hours that are to be devoted to each of these subjects, but mandates they be held on “...separate days each calendar year...” (emphasis added). This would mean 16 hours plus two additional days of training for the initial application, two days of training one year later, and then a year later 8 hours of training plus again two days of training, and so on.

SB 422

Testimony of the Stoney Creek Fishing and Hunting Club

Oppose

February 13, 2020

Page 2

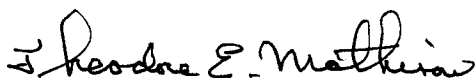
Not only are the requirements of SB 422 burdensome, but they duplicate the instructional requirements already included in the statutes. The subject "situation awareness", comes into play when an applicant demonstrates "proficiency and use of the firearm". One would expect such instruction to include, as a minimum, avoiding confrontations wherein possible and handling a firearm under situations that are life threatening. As to the second requirement of SB 422, i.e., the "competent handling of a firearm", this too is addressed under the requirement that an applicant demonstrate "proficiency and use of the firearm."

In addition to the burdensome requirements of SB 422, there is also a significant cost to each applicant. Recently, the cost of "wear and carry permit" training was checked with an Anne Arundel County Federal Firearms Licensee. The dealer charges for the initial 16 hours of training are \$300 for the classroom portion plus \$50 for the range qualification element. For the 8-hour block of renewal training, the charges are \$200 and \$50, respectively. In that SB 422 would require the additional training be conducted over two days, one could assume additional charges of between \$200 and \$300 depending upon the number of hours taught i.e., 8 or 4. Thus, an initial permit application could cost somewhere between \$550 and \$650, a permit renewal between \$450 and \$550. On top of that there would be an annual cost of \$200 to \$300 in the intervening years between renewals, These costs are a heavy burden for a single mom wrestling with domestic violence, a security guard and so forth.

In addition, the Anne Arundel County dealer conducts "wear and carry permit" training only on week days. Thus, individuals may have to take time off from work for both the the initial permit training and for each renewal. SB 422's requirements would necessitate additional days off from work.

Lastly, we note that Subtitle 5-306(b)(2) exempts from the 16 or 8 hours of instruction "...a member, retired member, or honorably discharged member of the armed forces of the United States or the National Guard..." Further, Subtitle 5-306(b)(4) exempts an applicant who "...has completed a firearms training course approved by the Secretary..." However, these exemptions are omitted from SB 422. This appears punitive as well as discriminatory.

In view of the many shortcomings of SB 422 and its burdensome impact, we strongly recommend it receive an unfavorable report.



Theodore E. Mathison
Ch, Legislative Committee
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Katie_Novotny_UNF_SB422

Uploaded by: novotny, katie

Position: UNF

February 13, 2020

I am a member of Multiple Gun Rights organizations. Maryland Shall Issue, Associated Gun Clubs, Maryland State Rifle and Pistol Association, and the National Rifle Association. I am a certified Range Safety Officer with the NRA. I compete in multiple shooting events such as Steel Challenge, 3-gun, small bore, and vintage military rifle matches. I am an avid firearms collector. I oppose SB 422.

This bill is creating excessive burdens on wear and carry permit holders simply for the sake of discouraging applicants, and entangling permit holders in a web in which they violate the law and lose their permit. Requiring yearly training, on 2 separate days, for the permit holders who are already among the most trained and restricted permit holders in the country is completely unnecessary. There is no good reason for the training to be broken up into 2 days, aside from being a blatant attempt at inconveniencing permit holders. Permit holders already receive 16 hours of initial training, and their first permit is only good for 2 years. They must then complete 8 hours of training, and then subsequent permits are good for 3 years, requiring the 8 hours of training for each renewal. Current law requires proficiency, and the proposed law only asks for competency. The live fire testing component of the current testing ensures that permit holders have maintained proficiency.

The purported purpose of this bill is public safety. There is no public safety benefit. As more states move towards liberal licensing practices, we have more data proving that concealed carry holders do not contribute to crime. The January 2019 study published by the American College of Surgeons found this conclusion: "This study demonstrated no statistically significant association between the liberalization of state level firearm carry legislation over the last 30 years and the rates of homicides or other violent crime. Policy efforts aimed at injury prevention and the reduction of firearm-related violence should likely investigate other targets for potential intervention." <https://www.sciencedirect.com/science/article/abs/pii/S107275151832074X> Information provided by the Violence Policy Center (VPL) shows only 2 killings by permit holders in Maryland. A murder in 2011, and a murder/suicide in 2010. Studies also show that concealed carry permit holders are more law abiding than even police officers. <https://www.dailywire.com/news/report-concealed-carry-permit-holders-are-most-law-aaron-bandler> Firearms violations rates for police officers are at 16.5 per 100,000. In Texas and Florida, for permit holders, that rate is only 2.4 per 100,000.

When the Fiscal and Policy note is read, it is even more clear that this bill should not be passed. It estimates General Fund expenditures of \$603,000 in the first year, and up to \$380,200 for subsequent years. This bill, if passed, would put an extremely heavy burden on the Maryland State Police to track if permit holders have completed the required classes, on a much more frequent basis than present. These numbers are based on current permit holder numbers. The number of permit holders is very likely to increase in the near future, based upon court cases that will likely strike down the "good and substantial reason" clause of the current process. This cost will only increase.

Costs for permit holders will increase greatly as well. Currently initial classes range from \$250-\$600, and refresher classes range from \$150-\$300. Instructors are free to charge whatever they would like. It is likely the new proposed annual training will be somewhere

along the lines of current refresher training, but the 2 day mandate would likely drive prices higher than they otherwise would for 8 continuous hours of training. Contrary to what some may believe, firearms owners are not all affluent. This increased cost would affect the most vulnerable the most.

This bill puts an even larger burden on firearms instructors. The state is not carrying any of the burden of providing this training that they mandate, and do not appear to be in the future. The multiple day portion is especially burdensome. There are only so many days, and so many instructors. The Secretary of the MSP must yet approve which courses are deemed acceptable. If firearms instructors are unable to keep up with the likely increasing demand, that will create a de facto ban on permits for those who were unable to get into a class.

Because of these reasons above, I request an unfavorable report.

Katherine Novotny

District 7

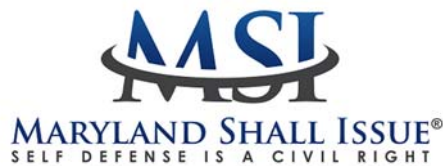
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Pennak_MSI_UNF_SB422

Uploaded by: PENNAK, MARK

Position: UNF



February 13, 2020

WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN OPPOSITION TO SB 422

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is an 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 opposition to SB 422.

Current Maryland Law:

This bill purports to address and impose new training requirements on persons who hold a “wear and carry permit” issued by the Maryland State Police pursuant to MD Code Public Safety § 5-306. Under MD Code Public Safety § 5-309(a), such “a permit expires on the last day of the holder's birth month following **2 years** after the date the permit is issued.” Under Section 5-309(b), “a permit may **be renewed** for successive periods of **3 years** each if, at the time of an application for renewal, the applicant possesses the qualifications for the issuance of a permit and pays the renewal fee stated in this subtitle.” Thus, the initial permit is good for two years and renewed permits are good for three years.

Current Maryland law also imposes among the most (if not **the** most) demanding and stringent training requirements of any state. Under Section 5-306(a)(5)(i), an applicant must first complete (prior to submitting any application for a permit) **16 hours** of instruction given by a State Police certified qualified handgun instructor. Similarly, any person seeking to renew a carry permit must submit proof of “**8 hours** of instruction by a qualified handgun instructor.” (Id.). For both the initial application and the renewal, that instruction must include “**a firearms qualification component that demonstrates the applicant's proficiency and use of the firearm.**” Section 5-306(a)(5)(ii). Under this requirement, the State Police mandate a minimum score on a prescribed, **timed** course of live-fire at multiple distances from the target (3yds, 5yds, 7yds and 15yds). That score must be certified by the instructor with the actual score achieved specified in the certification by the instructor.

The Bill:

This bill would add a new Section 5-306.1 to the Public Safety Article to provide that:

A PERSON TO WHOM A PERMIT IS ISSUED OR RENEWED SHALL SUCCESSFULLY COMPLETE ON SEPARATE DAYS EACH CALENDAR YEAR:

(I) A COURSE ON SITUATIONAL AWARENESS APPROVED BY THE SECRETARY;
AND

(II) A COURSE ON THE COMPETENT HANDLING OF A FIREARM APPROVED BY THE SECRETARY.

The bill would further amend MD Code Public Safety §5-310 to allow the State Police to revoke a permit on grounds that the holder of the permit failed to meet these new requirements imposed by this new Section.

The Bill Would Result In A Massive Waste Of Resources For The Permit Holder, The Instructor and The State Police:

As should be obvious, this bill would impose requirements that are utterly unnecessary. First, as noted, existing training requirements imposed by Section 5-306 are very rigorous. The 16 hours of training for the initial application and the 8 hours of training on renewal invariably **includes** instruction on situational awareness. Both the initial training and the renewal training include live-fire instruction, including completing a State Police prescribed live-fire course for which a minimum score on a prescribed target must be achieved. The initial permit is good only for **two** years, which means, effectively, that the permit holder must go through this training right before getting the initial permit (in one calendar year) and then, **less than two years later** must go through the 8 hours of renewal training at least 90 days before applying for the renewal sometime in the next calendar year. (The State Police demand 90 days to process a renewal application). That permit holder could thus receive the same instruction on situational awareness and proficiency in successive calendar years. No state has a shorter period for initial permits.

The renewal period is only for three years. For the sake of perspective, that 3 year renewal time period is far shorter than the term for carry permits issued by the vast majority of other states. For example, a 5 year effective term for a wear and carry permit is overwhelmingly the norm among the states, with 31 states using this time period. Those states include Virginia, Pennsylvania, Connecticut, Illinois, New York, Washington, Utah, Nevada, New Hampshire and Minnesota. The five year expiration term is also contemplated by federal law, 18 U.S.C. § 922(s)(1)(C), § 922(t)(3) (concerning permits that may be used in firearms transfers). Other states have longer periods. Massachusetts' permit is good for 6 years, Florida's permit is good for 7 years and Tennessee's is good for 8 years. Other states, such as Maine and Rhode Island, use a 4 year term.

In any event, before renewal, the Maryland permit holder must receive the additional **8** hours of training required by Section 5-306 **before** applying for renewal. As is apparent, **relatively little time passes between the initial training and the renewal period training**. Because a renewed permit is good only for three years, the holder of a renewed permit would effectively have only one calendar year between receiving his renewal training and time he or she would be required, under current law, to receive the 8 hours of training before applying for his or her renewal. During those 3 years, the permit holder must maintain proficiency with his or her firearm, as the permit holder knows that he or she must satisfy

all the renewal requirements, including the proficiency live-fire course mandated by the State Police under current law.

The bill would require a SEPARATE **yearly** course on “SITUATIONAL AWARENESS.” Yet, such instruction on situational awareness is part and parcel of both the initial instruction and any renewal instruction. The undersigned, for example, spends a considerable time giving instruction on this subject as does every instructor the undersigned has ever encountered. It simply does not need to be taught **every year** in a SEPARATE course. People with carry permits typically practice situational awareness, as a way of life, **every single day**, whether they happen to be carrying a firearm or not. That is how situational awareness is taught and learned.

The bill also would require a **yearly** SEPARATE course (taught on a SEPARATE DAY from the situational awareness course) on “THE COMPETENT HANDLING OF A FIREARM.” Such instruction is likewise part and parcel of the initial and renewal training. Indeed, as noted above, current law requires “**proficiency**,” not mere competency. As also explained above, the State Police test that proficiency by imposing a State Police prescribed, live-fire course on each initial application and each renewal, requiring that the applicant achieve a minimum score.

By requiring that this additional training be taught yearly on “SEPARATE DAYS,” the bill would impose unnecessary yearly burdens on both the instructor and the applicant. The 8 hours of renewal training is, for example, typically completed in one day. There is no legitimate reason to require that this new training be conducted on “SEPARATE DAYS.” Requiring separate courses on separate days simply imposes costs and burdens for no possible return. It is a burden purely for the sake of burdening.

The bill would also impose, on a yearly basis, additional costs on the State. Specifically, the bill requires the State Police to APPROVE the course on situational awareness and APPROVE the SEPARATE course on the “competent handling of a firearm.” Instead of expending the resources needed to review and “approve” every instructor’s course on these topics, the State Police would most likely have to develop such courses and impose them on instructors. In addition, the State Police would likewise undoubtedly feel it necessary to require the permit holder and the qualified handgun instructor to submit documentation concerning completion of these new courses, just as the State Police currently does with respect to the 8 hour and 16 hour training required by Section 5-306 on renewals and initial applications. Under this bill, the State Police would have to then devote time and resources to processing the documentation submitted by the permit holder on completion of each such yearly course. With respect, the State Police have better things to do with their personnel. We urge an unfavorable report.

Sincerely,



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

NRA_UNF_SB422

Uploaded by: Weber, David

Position: UNF

INSTITUTE FOR LEGISLATIVE ACTION

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



NRA

TESTIMONY OF THE NATIONAL RIFLE ASSOCIATION

February 13, 2020

Senate Bill 422 Opposed

Chairman Smith and Members of the Committee:

The National Rifle Association (NRA) opposes Senate Bill 422 and its increased training requirements for those to whom a permit to carry, wear, or transport a handgun has been issued. We oppose this bill as it infringes on our rights as citizens, while doing nothing to promote public safety. The NRA is supportive of effective handgun trainings but not government mandated trainings. In fact, our organization was founded on providing training to our members.

We know economist John R. Lott measured the effects of burdensome Right-to-Carry training requirements in a recent book titled "More Guns Less Crime". Lott determined that "The presence or length of training periods typically show no effect on crime..." Lott also found that an increase in training requirements and permit fees lowers the rate at which individuals obtain Right-to-Carry permits. Thus, infringing on one's constitutional right to protect themselves.

At present, the Maryland handgun permit already requires applicants and those seeking renewal to complete significant training requirements. SB422 would increase this training requirement, by requiring a permit holder to acquire two new types of training each year they hold their permit. Increasing the training requirement possibly beyond 16 hours pushes it into either extended hours or a three-day course, which means it couldn't take place on a weekend.

The fact is situational awareness and competent handling are already incorporated in the 16 hours of training for new permit to carry applicants. The reality is though that you don't have classrooms full of permit holders sitting through classroom instruction on state law and safety before going out and committing a violent crime. The idea that criminals will change their behavior based on the passage of this new requirement is a fool's errand at best.

For these reasons, the NRA is opposed to the passage of SB 422. We reiterate that we are supportive of training for handgun permits, just not government mandated trainings.

Sincerely,

A handwritten signature in black ink that reads "David Weber".

David Weber

Maryland State Director
NRA-ILA

MPGV_INFO_SB422

Uploaded by: Wilkerson, Alice

Position: INFO



Informational Testimony
Permit to Carry, Wear, or Transport - Required Courses
SB 422

Karen Herren, JD, Director of Legislative Affairs
Marylanders to Prevent Gun Violence

February 13, 2020

Dear Chairman Smith, Vice-Chair Waldstreicher, and Members of the Committee,

Marylanders to Prevent Gun Violence is a local, grassroots organization dedicated to reducing gun deaths and injuries throughout the state of Maryland, with a particular focus on reducing urban gun violence and gun suicide.

We appreciate Senator Young's interest in finding ways to ensure Maryland's wear and carry trainings are providing comprehensive training for individuals with wear and carry permits; however, we do not think requiring more frequent training is necessary, and we are concerned that this bill may have the opposite effect. We often see bills introduced asking that training hours be reduced citing concerns about costs and difficulty for some training programs to fill 16 hours with meaningful curriculum. MPGV testifies against these bills every year because we believe 16 hours for an initial permit and 8 hours for a renewal permit are appropriate requirements, and we are concerned that if training were required on an annual basis, it would strengthen arguments to decrease the number of required hours. These concerns are not unfounded, in 2017, Delegate Saab introduced legislation (HB891) that would have dramatically reduced the number of training hours from 16 to 6. This legislation passed the Judiciary committee, but was later recommitted.

MPGV recognizes the intent of this legislation is to ensure wear and carry permit holders are receiving appropriate levels of training on a regular basis, and we share in that goal. There are other policies the committee could examine such as requiring Maryland State Police to conduct random audits of training courses to ensure instructors are covering all required material, and/or requiring a certain number of hours to be spent at a range participating in live action fire. MPGV would be happy to discuss these and other policy options with the sponsor or committee during the interim.

Thank you to the committee for your time. We recommend the committee take no action on SB422.