



## Volunteer Testimony



**SB 816-Support**  
**THE FIREARMS DEALERS' SAFETY ACT**  
**TESTIMONY OF THE CRITICAL ISSUES FORUM: ADVOCACY**  
**FOR SOCIAL JUSTICE OF MONTGOMERY COUNTY, MARYLAND AND TEMPLE SINAI**  
**FEBRUARY 20, 2020**  
**BEFORE THE SENATE JUDICIAL PROCEEDINGS COMMITTEE**

Honorable Chair William Smith, Vice-Chair Jeffrey Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

**The Critical Issues Forum: Advocacy for Social Justice (CIF)**, which was formed by a group of synagogues in Montgomery County, appreciates the opportunity to provide its testimony in support of SB 816, the Firearms Dealers' Safety Act. Composed of Temple Beth Ami, Kol Shalom, and Adat Shalom, CIF represents over 1,750 households and 3 branches of Judaism: Reform, Conservative, and Reconstructionist. CIF serves as a vehicle for our congregations to speak out on policy issues that relate to our shared values.

In addition to the three congregations that make up the CIF, Temple Sinai, which has an award-winning gun violence prevention program, also supports this testimony. Temple Sinai is a Reform congregation located in northwest Washington DC; its membership includes some 1200 households, more than half of which reside in Maryland, mainly in Montgomery County.

Jewish tradition emphasizes the sanctity and primary value of human life. The Bible commands us, "Thou shalt not murder" (Exodus 20:13) and "Do not stand idly by the blood of your neighbor" (Leviticus 19:16). The Talmud teaches us that "he who takes one life it is as though he has destroyed the universe and he who saves one life it is as though he has saved the universe" (Mishnah Sanhedrin 4:5). Our tikkun olam/repair the world mission also remains strongly rooted in and inspired by Jewish traditions which urge us to eschew violence and protect life, *e.g.*, Isaiah (2:4) urges us to "beat [our] swords into plowshares and [our] spears into pruning hooks."

The dehumanizing of the human being and the carelessness with which human life is taken stand in direct violation of these affirmations of our tradition. Gun violence is a widespread problem in our society and we must address the issue in its various forms, from mass shootings and hate crimes to domestic violence and suicide. CIF is committed to supporting common sense laws that save lives and thus affirm the value of all human life.

Limiting gun violence requires limiting the flow of firearms to those who are most likely to commit violent crimes, especially untraceable guns sold through the black market and outside the current system for regulating firearms sales.

Most firearms enter the consumer market through gun dealers, who are the critical link between manufacturers/distributors and the general public. There are over 56,000 individuals who have been issued federal firearms licenses (federal firearms licensees or “FFLs”) that allow them to operate as dealers.<sup>1</sup> According to a review of this subject prepared by the Giffords Law Center, “Even though all guns that are sold to the public, including guns that end up recovered in crimes, originate with dealers, dealers are subject to very little federal oversight.”<sup>2</sup>

Federal oversight of gun dealers is woefully inadequate. The Federal Bureau of Alcohol, Tobacco, and Firearms (“ATF”) is hamstrung in policing FFLs. It may conduct only one unannounced inspection of each dealer per year, the burden of proof for license revocation is extremely high, serious violations of firearms laws have been classified as misdemeanors rather than felonies, and the agency has been significantly underfunded for many years. A 2004 report by the US Department of Justice’s Office of the Inspector General (“OIG”) found that ATF’s program for inspecting FFLs, including gun dealers, importers, manufacturers, collectors, and pawnbrokers, was “not fully effective for ensuring that FFLs comply with federal firearms laws because inspections are infrequent and of inconsistent quality, and follow-up inspections and adverse actions have been sporadic.”<sup>3</sup> While a 2013 follow-up report by OIG found that ATF had made some improvements in its inspection program, over 58% of FFLs had not been inspected within the past five years due, in part, to a lack of resources.<sup>4</sup>

The inadequacy of federal oversight is also due to the limited scope of federal regulation itself. Although federal law provides for licensing and recordkeeping, it lacks straightforward preventive mechanisms to ensure that FFLs manage their businesses so as to restrict the flow of firearms for illicit purposes. For example, federal law does not provide for: background checks

<sup>1</sup>Bureau of Alcohol, Tobacco, Firearms, and Explosives website, <http://www.atf.gov/about/foia/ffl-list.html>.

<sup>2</sup>Giffords Law Center, <https://lawcenter.giffords.org/gun-laws/policy-areas/gun-sales/gun-dealers/>

<sup>3</sup> **Office of the Inspector General, Evaluation and Inspections Division, U.S. Department of Justice, *Inspection of Firearms Dealers by the Bureau of Alcohol, Tobacco, Firearms and Explosives (July 2004)*: i**, <http://www.justice.gov/oig/reports/ATF/e0405/final.pdf>

<sup>4</sup> **Office of the Inspector General, Evaluation and Inspections Division, U.S. Department of Justice, *Review of ATF’s Federal Firearms Licensee Inspection Program (Apr. 2013)*: ii**, <http://www.justice.gov/oig/reports/2013/e1305.pdf>.

of employees of firearms dealers; requirements for safe storage of firearms; or requirements that would ensure that gun purchases can be properly identified.

Nevertheless, the ATF believes licensed firearms dealers need to be “the first line in maintaining the security and lawful sale of firearms” and has issued detailed guidance on safe business practices and security measures that dealers can adopt to reduce instances of theft.<sup>5</sup> However, ATF cannot require their adoption – they remain voluntary. There are no federal laws that mandate adoption of such measures, leaving the burden of effective regulation to state and local governments.

The need for such state regulation is apparent. An important and growing source of black market guns is thefts and diversions from gun dealers.

According to the most recent ATF data, there were 463 FFL burglaries and robberies in 2018 alone. From these incidents, 5,981 firearms were reported as stolen.<sup>6</sup> Licensed dealers in Maryland have been subject to many gun thefts in recent years. Between 2012 and 2018, the ATF reports that 603 guns were stolen from gun dealers in the state. More recently, in June 2019, burglars stole firearms from both Fox’s Firearms in Fulton and United Gun Shop in Rockville. For United Gun Shop, this was the third time it had been targeted since 2017 when a pair of burglars were able to steal 30 guns in 90 seconds.<sup>7</sup> In August 2016, 36 guns were stolen during an armed robbery at Blue Fins in Dundalk, and in February 2014, more than 70 handguns were stolen by burglars from Fred’s Sport and Furniture in Waldorf.<sup>8</sup>

This trend in gun thefts from licensed dealers is expected to accelerate; firearms are very lucrative on the black market.<sup>9</sup> This is a major concern to law enforcement, as stolen guns are easily diverted to individuals who are not able to purchase guns legally. Moreover, stolen guns become untraceable, making it more difficult to identify potential suspects and thus thwart the ability of law enforcement officers to solve violent crimes.

In addition to the issue of robberies from gun stores, there is also a significant insider threat resulting in missing guns, which may be diverted to the black market. During the past four years, ATF records for Maryland indicate that there were 620 guns reported missing by gun dealers. Specifically, dealers reported an average of 26 loss reports a year with an average of

<sup>5</sup> Bureau of Alcohol, Tobacco, Firearms and Explosives, *Safety and Security Information for Federal Firearms Licensees*, ATF Pub. 3317.2 (2010), <https://www.atf.gov/firearms/docs/guide/safety-and-security-information-federal-firearms-licensees-atf-p-33172/download>

<sup>6</sup> The Bureau of Alcohol, Tobacco, Firearms, and Explosives “Federal Firearms Licensee Burglary and Robbery Statistics - Calendar Year 2014-2018”, <https://www.atf.gov/infographics/federal-firearms-licensee-burglary-and-robbery-statistics-calendar-year-2014-2018> (published February 4, 2019).

<sup>7</sup> WJLA “WATCH: Masked suspects enter Md. gun shop, smash cases, steal multiple handguns and rifles,” <https://wjla.com/news/crime/police-multiple-handguns-rifles-stolen-from-md-gun-shop> (March 9, 2017).

<sup>8</sup> Center for American Progress “Stolen Guns in America,” <https://www.americanprogress.org/issues/guns-crime/reports/2017/07/25/436533/stolen-guns-america/> (published July 25, 2017).

<sup>9</sup> WJLA “ATF: Licensed gun store burglaries/robberies up 52 percent nationwide,” <https://wjla.com/news/local/atf-reports-increase-in-gun-store-robberies-nationwide-including-va-md> (published March 10, 2017).

155 guns missing.<sup>1</sup> [footnote] The public safety issue with missing guns, whether they're sold by dealers or employees on the black market, stolen or simply lost, is that they will reappear in connection with a crime.

Legislation is needed immediately to protect Marylanders by preventing guns from being stolen and diverted to the criminal market. The International Association of Chiefs of Police recommends that state and local governments enact their own dealer licensing requirements because they can respond to specific community concerns, and because state and local oversight of licensees helps reduce the number of corrupt dealers.<sup>10</sup>

The Firearm Dealers Safety Act, SB 816, will institute reasonable mandatory business practices designed to ensure consistently responsible sales and prevent diversion to the criminal market, as follows:

1. The bill amends current law to require that licensed dealers keep electronic records of all their gun purchases and sales, including video and audio recordings of these transactions, and make these records available to state and federal authorities when requested. Section 5-145(a)(1)-(6).
2. Section 5-145(a)(7) provides that each licensed dealer develop a written standard operating procedure to protect its inventory from unauthorized access or theft, including locks, exterior lighting, surveillance cameras, and an alarm system.
3. Section 5-145(f) requires the State to inspect the inventory and records of each licensed dealer at least once every two years.
4. Section 5-147 of the bill prohibits dealers from employing individuals who are prohibited from possessing a firearm, requires annual criminal background checks of employees and checks of applicants for employment.
5. Section 5-148 of the bill would require dealers to maintain liability insurance covering acts committed by an individual using a firearm sold, rented, or transferred by the dealer.
6. Section 5-150 of the bill requires that, during business hours, firearms be stored in a locked display case or other secure location and that any firearm displayed to a customer be rendered inoperable with a trigger lock or other device. Outside of business hours, firearms must be locked in a vault, safe, reinforced display case with shatterproof glass.

By enacting the Firearm Dealers Safety Act, Maryland would join nine other states and the District of Columbia that have enacted legislation to prevent legal guns from being diverted to the criminal market. In addition, nine states and the District of Columbia have already passed

<sup>10</sup> Bureau of Alcohol, Tobacco, Firearms, and Explosives Reports: <https://www.atf.gov/file/142186/download> ; <https://www.atf.gov/file/133371/download> ; <https://www.atf.gov/file/124546/download> , and <https://www.atf.gov/resource-center/docs/undefined/osii508fflthefts-lossescy16pdf/download> .

<sup>11</sup> Int'l Ass'n of Chiefs of Police (IACP), *Taking a Stand: Reducing Gun Violence in Our Communities* (2007): 14, <https://www.theiacp.org/resources/taking-a-stand-reducing-gun-violence-in-our-communities>.

laws requiring FFLs to comply with security measures determined by the states, seven states require employee background checks, and four states require dealers to report lost or stolen firearms.<sup>11</sup>

The experience in these other states demonstrates the effectiveness of this approach. For example, New Jersey has enacted comprehensive security measures for firearm dealers and has only 10 recorded firearms stolen from licensed gun dealers between 2012 and 2016. During that same period, Maryland had 354 firearms stolen from firearm dealers. A September 2010 report by Mayors Against Illegal Guns concluded that routine inspections of gun dealers provide law enforcement with more opportunities to “detect potential indications of illegal gun activity, including improper recordkeeping or a dealer whose gun inventory does not match their sales records.”<sup>12</sup> The report presented data showing that states that do not permit or require inspections of gun dealers are 50% more likely to be the source of guns later used in crimes. Additionally, a 2009 study found that cities in states that comprehensively regulate retail firearms dealers and require businesses to undergo regular compliance inspections have significantly lower levels of gun trafficking.<sup>13</sup>

Rigorous standards for firearms dealers are not only effective, they are supported by responsible gun owners and the public generally. A May 2012 poll found that 79% of NRA members and 80% of non-NRA gun owners support requiring gun retailers to perform employee background checks—a measure also endorsed by the National Shooting Sports Foundation, the trade association for the firearms industry.<sup>14</sup> In another poll, NRA members (90%) and non-NRA member gun owners (93%) also agreed that “irresponsible gun dealers who break the law by knowingly selling guns to unqualified purchasers should be held accountable to the maximum extent of the law.”<sup>15</sup>

The Firearms Dealers Safety Act is a sensible approach to address a critical public health problem, the ease with which firearms flow from legitimate sources to the black market. **CIF and Temple Sinai urge this committee to support SB 816** to ensure that licensed firearm dealers implement effective practices and security measures to guard against gun theft and diversion.

<sup>12</sup> Giffords Law Center “Gun Dealers,” <https://lawcenter.giffords.org/gun-laws/policy-areas/gun-sales/gun-dealers/>.

<sup>13</sup> Mayors Against Illegal Guns, Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking (Sept. 2010): 26-27, <http://www.tracetheguns.org/report.pdf>.

<sup>14</sup> Daniel W. Webster et al., “Effects of State-Level Firearm Seller Accountability Policies on Firearms Trafficking,” 86 J. Urban Health (July 2009): 525.

<sup>15</sup> Press Release, Mayors Against Illegal Guns, New Poll of NRA Members by Frank Luntz Shows Strong Support for Common-Sense Gun Laws, Exposing Significant Divide Between Rank-and-File Members and NRA Leadership (July 24, 2012), <http://mayorsagainstilllegalguns.org/html/media-center/pr006-12.shtml>

<sup>16</sup> Dr. Frank Luntz/Word Doctors for Mayors Against Illegal Guns, America’s Gun Owners Support Common Sense Gun Laws (Dec. 2009), 9, [http://www.mayorsagainstilllegalguns.org/downloads/pdf/luntz\\_poll\\_slides.pdf](http://www.mayorsagainstilllegalguns.org/downloads/pdf/luntz_poll_slides.pdf).



