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January 15, 2020

HB4
OPPOSE

I write in opposition of HB4, a bill that would severely criminalize private sales or loans of long guns between two individuals in a broad manner that only adds to the difficult to abide by patchwork of gun laws in the state of Maryland.

Not only would this bill add a time and financial burden to loans of guns between law abiding individuals, gun clubs, and fellow hunters, it would require background checks by Federal Firearms Licensees for private transfers and loans in a manner that actually violates federal law by requiring a National Instant Criminal Background Check System (NICS) background check on every private transfer. The issue here is that federal law only allows an FFL/dealer to request a NICS check when conducting a transfer from his or her own inventory. This would create a situation where a buyer and seller would either have to violate Maryland law by ignoring the transfer requirement or the dealer would have to violate federal law by requesting a background check using a federal database outside of the permitted use cases. Alternatively, the seller would have to transfer the firearm to the FFL, the FFL would have to add the firearm to their inventory, and then transfer the firearm to the buyer. In this case, the transfer is no longer between two people and is in essence selling a gun and another person immediately buying it. This would require the seller and buyer to both pay multiple fees, turning something as simple as a parent purchasing their adult child a new hunting rifle, for example, into a long and expensive ordeal.

Further, by creating a monopoly on private transfers and loans of long guns, it opens the door to abuse and price gouging by unscrupulous FFLs, especially in more rural areas where the nearest gun store may be over an hour away. This is especially troublesome when that store is the only option in town for the buyer and seller. Another example would be a widow who wishes to sell off her deceased husband's long gun firearms collection. She will now be forced to do so through a dealer who is free to charge a fee of their choice that the bill only requires to be "reasonable" despite never defining what is and is not a "reasonable" fee. During this process, the widow would be forced to find a participating dealer, as participation in the private sales outlined in this bill is entirely voluntary. If she is unable to find a willing dealer, she is effectively barred from liquidating the firearm collection and depriving her of a potentially needed source of funds. Will the State determine what is and is not a reasonable fee? How will it be determined and how will it be enforced?

This law appears to be little more than a thinly veiled attempt to score political capital and say "we're doing something" when the Uniform Crime Report found on the Maryland State Police website (<https://mdsp.maryland.gov/Document%20Downloads/2017%20Uniform%20Crime%20Report.pdf>)

lists on page 17 that in 2016 and 2017 combined there were a total of seven (7) murders with a rifle, and nine (9) murders using shotguns for a total of sixteen (16) murders. By comparison, strangulation registered a total of nine (9) murders over this two year period, knives one hundred and twenty seven (127), and blunt objects twenty six (26). Given that the numbers for all rifles and shotguns are so low, especially when compared with other weapons, it seems a waste of resources to criminalize private, face to face, sales and loans based on a hypothetical that a criminal may use a long gun at a future date when the historical data compiled by MD State Police proves otherwise.

For these reasons, I must urge you give an unfavorable report to this bill. If it were enacted into law, the State will be prosecuting inevitable violations by otherwise law-abiding citizens of Maryland, destroying reputations and inflicting legal and economic ruin on these individuals. Jobs will be lost, security clearances revoked, and families broken apart. Whatever public safety rationale is hollow, as by Maryland State Police's own numbers, long guns are used in far fewer violent crimes when compared to bare hands, blunt objects, or knives.

Sincerely yours,



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