

Stoney Creek Fishing & Hunting Club

9090 Ft. Smallwood Rd.

Pasadena, MD 21122

February 26, 2020

HB 1257: Public Safety – Licensed Firearms Dealers **(Firearms Dealers' Safety Act)**

Opposed

The Stoney Creek Fishing and Hunting Club, which has some 300 members and has been in existence for over 70 years, **OPPOSES** HB 1257. We are supportive of reducing the theft of firearms from whatever source, but we have no choice other than to oppose the Bill. HB 1257 is a “one size fits all” proposal that will impose overly burdensome and unnecessary requirements on all federally licensed firearm dealers in Maryland regardless of their size and financial capabilities. We believe that if enacted, HB 1257 will drive many of the State’s firearms dealers out of business. The provisions of the Bill apparently are taken from a publication of a known anti-gun organization and represent a smorgasbord of restrictions taken from a variety of cities and states across the country.

HB 1257, which amends Maryland Public Safety Articles 1-145, 5-147, 5-148 and 5-149 will in brief:

- Require keeping electronic records of all firearm receipts, sales; etc.
- Require all firearm records be updated within one business day of a sale;
- Require records be updated within seven days after a firearm sale:
- Require video and audio records of all receipts, sales, etc; retention for one year;
- Require making audio/video recordings available to the Secretary MSP, federal agencies, for civil suits, etc.
- Require dealers to prepare and maintain a written Standing Operating Procedure for securing firearms, including exterior lighting, surveillance cameras and an alarm system.
- Prevent a dealer from hiring an employee prohibited from possessing a firearm, and require annual background checks of all employees.
- Require a dealer to maintain \$2.0 million of insurance coverage against acts of another to whom the dealer sold, transferred, etc. a firearm:
- Require dealers to report immediately to a law enforcement agency the theft of a firearm;
- Require firearms be stored during business hours in a lockable case or otherwise be inaccessible to customers.
- Require all firearms displayed to customers be inoperable with a trigger lock;
- Require that outside of business hours all firearms be locked in a vault, safe or reinforced display case with shatterproof glass.

Penalties for violation of these mandated requirements run from fines “not exceeding \$1,000” for a first offense “to imprisonment not exceeding 3 years” for a second offense. These are rather stiff penalties considering the many administrative pitfalls a dealer might

encounter in trying to comply with the Bill's maze of requirements.

As to the specific requirements outlined above, one has to question the value of keeping electronic records of firearm sales versus maintaining written records as is now the case. The electronic records could be hacked or stolen by outsiders who would then know who bought what firearm and their address; or perhaps worse, they would have a complete inventory of a dealer's firearms.

Similarly, requiring video and audio records of firearm sales seems fraught with problems. First, do they intrude upon one's privacy? Second is their use enforceable? What if the recording system(s) becomes inoperative, must all sales stop until the system is repaired? Or what if the dealer conducts sales without an operable system? Is this a punishable offense? Or how and when does a dealer advise law enforcement that the system is down?

Next is the requirement that "all employees" employed by the dealer have an annual background check. Does this include bookkeepers, janitors or what? And the requirement for annual background checks ignores the fact that an employee may be the spouse of the owner, or perhaps has been with a licensee for 15-20 years and never had a black mark against them. In contrast, an individual with a "Top Secret" security government clearance is not required to have an annual background check. The cost of applying the background check requirement to a large outfitter or chain store will be astronomical if all employees in a store must undergo annual checks. How many other industries require annual employee background checks?

HB 1257 mandates that a licensee maintain liability insurance in the amount of \$2.0 million for the "...acts of another using a firearm sold, rented or transferred by the licensed dealer..." This implies the licensee is liable for injuries caused by another. However, Maryland Public Safety Article 5-402(b)(1) states: "A person is not strictly liable for injuries to another that result from the criminal use of a firearm by a third person.". This provision does not apply if the licensee conspired with the individual who commits the crime. Accordingly, the requirement for the \$2.0 million coverage is misplaced.

Further, the Bill requires that firearms offered for sale either be kept in glass display cases or shown with a trigger lock. This will almost guarantee a "no sale". An individual purchasing a \$1,800 shotgun is not going to buy it if he/she cannot work the action, test the trigger, etc. This is akin to trying to purchase a new automobile and being told by the dealer you cannot start the engine or take the vehicle for a short test drive.

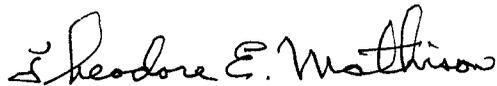
Licensed firearm dealers in Maryland run the gambit from the small gunsmith operators to large outfitters and chain stores. Each has different operating environments, i.e., location, available space, type of building construction, whether they rent or own the

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premises, the number of employees, etc. Requiring all to meet the requirements of HB 1257 would not only be costly but in some cases impossible. The cost of compliance alone is likely to drive a number of licensees out of business. Others, rather than face the prospect of jail time, will give up their licenses. A loss of a significant number of licensees in those areas of the State where the shooting sports are very popular, in particular waterfowl hunting on the Eastern Shore, could be devastating to local communities. The impact will affect not only those businesses directly involved with these sports, but the lodging and food service industries as well.

We believe a better approach to the question of stolen firearms is to work with dealers and help them access their security needs and determine what works best for each rather than forcing upon them a “one size fits all”, onerous mandate. Further, dealers should be given adequate time to comply with any new security requirements and perhaps provided with some sort of financial assistance, i.e., grants, interest free loans, etc. to assist them in meeting any new requirements.

In view of the many onerous and unworkable provisions of HB 1257, we urge it receive an unfavorable report.



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