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HB 1257
Public Safety - Licensed Firearms Dealers
(Firearms Dealers' Safety Act)
UNFAVORABLE

In recent years, there has been a trend within the gun control advocacy community to misrepresent the true nature of legislation by including the term “Safety Act” in the bill title. The simple fact that the proponents feel the need to disguise their true agenda in order to advance their legislation should cause them, their ethics, and their legislation to be viewed with suspicion.

House Bill 1257 employs this deceptive tactic. The entire bill is devoted to restricting the ability of legal firearms dealers to maintain a profitable business by instituting draconian restrictions which cannot be met, and procedures designed to discourage the sale and ownership of legal firearms. There is absolutely nothing relating to dealer safety within the scope of this bill.

We note the following, which are only some of the mandates which are far in excess of existing federal law:

§5-145 (a)(1) (page 2, lines 18-19)

The dealer will be required to maintain, in electronic format, records which duplicate the acquisition and disposition (A&D) records already required under federal law 18 U.S.C. §923(g)(1)(a).

§5-145 (a)(6)(I) (page 3, lines 6-8)

Audio and video recordings of customers raises serious privacy concerns and may be a violation of existing statutes. It also runs contrary to the religious beliefs of the Amish citizens of Maryland and violates their First Amendment rights, and by extension, their ability to exercise their Second Amendment rights.

§5-145 (a)(6)(II) (page 3, lines 9-11)

This provision requires the dealers to make a heavy investment in the hardware and software necessary to maintain video and audio files for the entire year. It also raises very serious security and privacy concerns for the customers.

§5-145 (a)(6)(III) (1-3) (page 3, lines 12-21)

Under this subsection, in order to obtain a copy of the video and audio recordings, a federal agency must be engaged in a criminal investigation. A subpoena is required for a civil action. However, the Secretary of the of the Maryland State Police can demand video and audio records with only a letter and no justification is required.

§5-145 (a)(6)(IV) (page 3, lines 22-24)

Authorizing a dealer to use prior audio and video recordings of customers for training purposes raises serious privacy concerns and may be a violation of existing statutes.

§5-148 (A) (page 6 lines 28-31)

A dealer is required to maintain liability insurance for the acts of another involving the use of a firearm sold, rented or transferred by the dealer. This provision will effectively put dealers out of business. No insurance broker will write a policy covering actions by a second party, much less an unknown number of subsequent parties for an infinite period.

We ask for an unfavorable report on HB 1257.

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2A Maryland
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