

WRITTEN TESTIMONY OF MICHAEL F BURKE, IN OPPOSITION

TO SB 86

In introduction, please be informed that I am a Veteran, with 21 years of Service with the US Army, as a Military Police Officer, MP Investigator, and Counterintelligence Agent. Beyond that, I have more than 25 years of experience as a County, State, and federal Law Enforcement Officer and Special Agent. 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 and a certified NRA instructor in pistol, as well as a Chief Range Safety Officer. I am also a member of Maryland Shall Issue ("MSI"). Maryland Shall Issue is a Section 501(c)(4), all-volunteer, non-partisan, non-profit 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 appear today in opposition to SB 86.

SB 86 would raise the age of possession of ordinary long guns to 21, threatening every young adult in Maryland with criminal prosecution for keeping arms and effectively ending hunting by such persons unless they are "under the supervision" of someone 21 or older AND have the permission of a parent. A violation of this ban on possession of a long gun is punishable by 5 years in prison. The bill also bans the mere sale or transfer of ammunition (of any type) to a person under 21 and a violation of that provision is punishable by a year in prison.

As a teenager myself, I carried a rifle, a machine gun, AND a handgun as a soldier and Military Police officer from age 18 to 21. I was also issued a grenade launcher. I was entrusted by the US and State governments to stand watch and to go to war for all of those years.

If the sponsors were seriously concerned about the decision-making abilities of citizens between the ages of 17 and 22, why don't they ban these youths from driving? Why are they permitted to Register and VOTE, if they can't be trusted with a rifle or shotgun?

The US Constitution affirms (not grants) the right of the PEOPLE (not just citizens, not just adults) to keep and bear arms. This proposed legislation flies in the face of the Constitution and is in direct contravention of the orders of the Supreme Court.

I bring your attention to the decision in the Supreme Court in June of 2023. NEW YORK STATE RIFLE & PISTOL ASSOCIATION, INC., ET AL. v. BRUEN, SUPERINTENDENT OF NEW YORK STATE POLICE, ET AL.

"...The constitutional right to bear arms in public for self-defense is not "a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees." McDonald, 561 U. S., at 780 (plurality opinion). We know of no other constitutional right that an individual may exercise only after demonstrating to government officers That is not how the First Amendment works when it comes to unpopular speech or the free exercise of religion. It is not how the Sixth Amendment works when it comes to a defendant's right to confront the witnesses against him. And it is not how the Second Amendment works when it comes to public carry for self-defense. New York's proper-cause requirement

violates the Fourteenth Amendment in that it prevents law-abiding citizens with ordinary self-defense needs from exercising their right to keep and bear arms. “

As in *Bruen*, the State of Maryland does not have the authority to restrict, limit, or infringe upon the rights of free citizens merely because of their age.

While it is true that the Sponsors are concerned about crime and criminal activity, existing State and federal laws already address wrongful and dangerous acts by ALL citizens. This ban on an existing right is unsupported by text, history and tradition in past US legislation. It cannot survive judicial review under ***Marbury v. Madison, 5 U.S. 137***, a landmark U.S. Supreme Court case that established the principle of judicial review in the United States, meaning that American courts have the power to strike down laws and statutes that they find to violate the Constitution of the United States.