



NRA

February 7, 2023

Chairman William C. Smith Jr.
90 State Circle
Annapolis, Maryland, 21401

Dear Chairman Smith:

On behalf of our members in Maryland, I would like to communicate our strong opposition to Senate Bill SB86.

Federal law already prohibits those 18-to-20 years of age from purchasing handguns from a Federal Firearms Licensee (FFL or gun dealer). Extending this prohibition to rifles and shotgun would not reduce violent crime, but would extinguish law-abiding young adults' Second Amendment rights.

Rifle and Shotgun Restrictions Do Not Work

Long guns of any description are rarely used in violent crime by people of any age. FBI Uniform Crime Reporting breaks down homicides by weapon. In 2019, the FBI reported that there were four times as many individuals listed as killed with “knives or cutting instruments,” than with rifles of any kind. The data also showed that rifles were listed as being used in less homicides than “blunt objects (clubs, hammers, etc.)” or “personal weapons (hands, fists, feet, etc.).”

The use of shotguns in violent crime is even rarer. In 2019, more than 12 times as many people were killed using “knives or cutting instrument,” “blunt objects,” and “personal weapons” combined than with any type of shotgun.¹

In 1994, a 10-year federal ban on commonly-owned semi-automatic long guns was enacted as part of the Clinton Crime Bill. Faced with the reality that so-called “assault weapons,” are rarely used to commit violent crime, a 1997 Department of Justice-funded study of the Clinton ban determined that “At best, the assault weapons ban can have only a limited effect on total gun murders, because the banned weapons and magazines were never involved in more than a modest fraction of all gun murders.”²

A 2004 follow-up Department of Justice-funded study came to a similar conclusion. The study determined that “AWs [assault weapons]... were used in only a minority of gun crimes prior to the 1994 federal ban,” and “the ban’s effects on gun violence are likely to be small at best and perhaps too small for reliable measurement.”³ Presented with the overwhelming evidence of the ban’s inefficacy, Congress did not renew it.

¹ Crime in the United States 2019, Expanded Homicide Data Table 8, Federal Bureau of Investigation.

² Jeffrey A. Roth, Christopher S. Koper, Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994, Urban Institute, March 13, 1997.

³ Christopher S. Koper, An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003, Report to the National Institute of Justice, June 2004.

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Any prohibition on access to rifles and shotguns by law-abiding young adults will necessarily be ineffective for the same reasons the Clinton gun ban failed: Rifles and shotguns are rarely used to commit violent crime.

Retail Sales Restrictions on Young Adults Won't Reduce Crime

Sales restrictions don't stop criminals from stealing firearms, getting them on the black market, or getting them from straw purchasers. According to the Department of Justice (DOJ), 75 percent of criminals in state and federal state prison who had possessed a firearm during their offense acquired the firearm through theft, "Off the street/underground market," or "from a family member or friend, or as a gift." Only 10 percent of criminals acquired the firearm from a retail source.⁴

Studying the existing 18-to-20-year-old handgun sales prohibition, research published in the American Journal of Criminal Justice found that there "was no impact of this ban on the 18-to-20-year-old share of arrests for homicide, robbery, or aggravated assault."⁵

Young Adults Have Second Amendment Rights

The Second Amendment's text guarantees young adults the right to keep and bear arms. The text contains no age restriction, even though the Founders used age restrictions elsewhere in the Constitution.⁶

The Second Amendment's text expressly protects the right of "the people." The people referenced in the text encompass all law-abiding, responsible adults, including young adults. On this point, the First and Fourth Amendments are instructive. Like the Second Amendment, both codify "the people" as the rightsholders. "The people" protected by the Second Amendment are not a subset of "the people" protected by the First and Fourth Amendments. They are the same people.⁷

The landmark *District of Columbia v. Heller* (2008) U.S. Supreme Court decision did not suggest that young adults are excluded from "the people" protected by the Second Amendment. To the contrary, *Heller* confirms that the Second Amendment protects the same "people" as the First and Fourth Amendments, which do not exclude young adults from their protections.⁸

In *NYSRPA v. Bruen* (2022), SCOTUS made clear that in order for a firearm regulation to pass muster under the Second Amendment the government must "identify a well-established and representative historical analogue." Regarding prohibitions on young adults purchasing firearms, this cannot be done. There were no laws that restricted 18-20 year-olds from purchasing firearms at the time of the American founding.

⁴ Mariel Alper and Lauren Glaze, Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016, U.S. Department of Justice Bureau of Justice Statistics, January 2019.

⁵ Gary Kleck, Regulating Guns Among Young Adults, Am. J. of Crim. Just. 44:689, 2019.

⁶ Const. art. I, § 2.

⁷ *District of Columbia v. Heller*, 554 U.S 570, 580.

⁸ *Id.*

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At the time of the Founding, there were no regulations restricting young adults' ability to possess or purchase firearms. Then, as now, the age of majority for keeping and bearing arms was 18. The age at which individuals became eligible for militia service at the time of the Founding demonstrates the age of majority for the right to keep and bear arms because, as the *Heller* decision made clear, "the people, from whom the militia must be taken, shall have the right to keep and bear arms."⁹ At the time of the Founding, 18-to-20-year-olds were permitted—indeed required—to be part of the militia and to arm themselves.¹⁰

Only 7 states restrict the purchase of long guns by 18-20 year-olds: CA, FL, HI, IL, NY, VT & WA. Litigation is on-going on these bans.

Making further state action unnecessary, the federal government has instituted a 3-10 day federal waiting period for 18-20-year-olds purchasing firearms. During this period, the FBI is tasked with conducting a so-called "enhanced" background check on the prospective purchaser. This includes an examination of state juvenile records and contacting local law enforcement in the jurisdiction in which the purchaser resides.

Young Adults Deserve the Rights Attendant Their Responsibilities

The age of majority remains 18 today for militia and other purposes. All males over the age of 17 and under the age of 45 are part of the militia.¹¹ At age 18, citizens are eligible to serve in the military, be drafted, and vote.¹²¹³¹⁴ 83% of United States Marine Corps enlistees are 20 or younger.¹⁵

An 18-to-20-year-old may be tried as an adult for crimes in state and federal courts.¹⁶¹⁷ Young adults may serve in law enforcement.¹⁸ Moreover, these adults may generally serve on a jury, enter into contracts, sue and be sued, get married, own property, and obtain an abortion without parental consent.

To prohibit young adults from acquiring rifles and shotguns would be to contend that these individuals are law-abiding and responsible enough to defend their country using arms and to enforce the law but cannot be trusted to follow the law.

For the foregoing reasons NRA opposes Senate Bill 86.

⁹ *Heller* at 617.

¹⁰ *Hirschfeld v. Bureau of Alcohol, Firearms, Tobacco & Explosives*, No. 19-2250, 2021 WL 2934468 at *16.

¹¹ 10 U.S.C. § 246.

¹² 10 U.S.C. § 505(a).

¹³ 50 U.S.C. § 3803(a).

¹⁴ U.S. Const. amend. XXVI.

¹⁵ Eric Reid, *The Courage to Change: Modernizing U.S. Marine Corps Human Capital Investment and Retention*, Brookings, June 2021.

¹⁶ Age Matrix, *Interstate Commission for Juveniles*, January 20, 2022.

¹⁷ 18 U.S. Code § 5031.

¹⁸ Fla. Stat. § 943.13.

NATIONAL RIFLE ASSOCIATION OF AMERICA

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Sincerely,

A handwritten signature in black ink, appearing to read "D.J. Spiker".

D.J. Spiker
Maryland State Director
NRA-ILA

CC: Senator Jeff Waldstreicher
Senator Jill P. Carter
Senator William G. Folden
Senator Mary-Dulany James
Senator Mike McKay
Senator C. Anthony Muse
Senator Charles E. Sydnor III
Senator Chris West