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HB 481  
Unfavorable

I am a defense contractor whose current and prior employers include one of the top research laboratories in the United States and one of the leading aerospace corporations in the world. In my spare time I enjoy shooting sports, volunteering in the community, watchmaking, and woodworking. I write in opposition to HB 481, a bill that increases the maximum penalty for the unlawful wear, carry, and transport of a handgun from three years to five. Current law already imperils Marylanders with a penalty that is a permanent disqualifier for legal gun ownership upon conviction, even for mistakes of unknowingly transporting a firearm incorrectly from the shooting range to their homes. Increasing that penalty will do nothing to discourage criminals wishing to harm or intimidate others, but it will further threaten all Marylanders, including the more than 80,000 holders of a Wear and Carry Permit issued by the State Police.

This bill, as well as the current law it seeks to modify, does not include a requirement that the violator knew they were not in compliance with said law. Maryland handgun permits are only valid when physically with the person and where firearms are permitted by law. If a person knowingly or unknowingly violates either of these provisions, they are viewed as if they have no permit at all and thus would be subject to the full weight of this law. There are many perfectly innocent ways that people may violate this law unknowingly, such as a lost or stolen wallet, or unknowingly driving across the property of (or even stopping in) a rest area where the state prohibits firearm possession. In these cases, the violator faces the same prosecution as a person who was carrying a firearm illegally with the intent to harm others. The legislature should explore adding wording to this bill that differentiates between the knowing and unknowing violation of the law.

This legislative body must also consider what the enforcement of this bill would entail. Not only do I fear this bill (and by extension, current law) will lead to more tense situations between police and Maryland residents, it also invites prosecution of honest mistakes like forgetting ones wallet with their wear and carry permit at home. The lack of differentiation between an accidental violation by an otherwise well intentioned Maryland resident and a person carrying a firearm illegally with the intent to do harm to others sweeps everyone under the same dragnet and throws more criminal records on more Maryland residents for honest mistakes along the way. The people caught in the net of this bill

will find themselves unable to pass a background check for employment, legally prohibited from possessing any firearms or ammunition, and will live the rest of their lives with the reduced opportunities that a conviction will bring. Instead I would like to see this bill narrow its scope to hold those committing violence accountable.

For these reasons, I must urge an unfavorable report to this bill. Putting the overly wide net of the current law aside, if changes in this bill were to be enacted into law, the State will be prosecuting inevitable violations by otherwise law-abiding citizens of Maryland with no regard to mens rea, increasing tense interactions between police and the general public, and destroying lives and inflicting legal and economic ruin on these individuals and their families. Instead of widely throwing more police powers at the problems of violence, I would encourage this legislative body to instead focus on intervention and prevention directed toward people who have demonstrated a willful disregard for the law. Not casting a wide dragnet of police power at the populace at large.

Sincerely yours,



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