

## HB844 and SB494 Gun Ban Bills

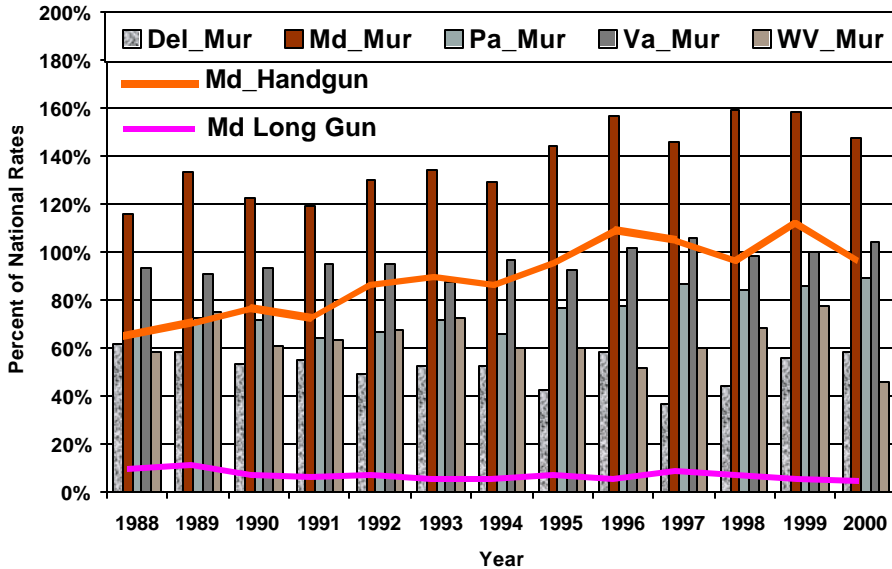
Figure 1 shows Maryland's murder rate as a percent of national rates for 1988 through 2000. So, in 2000 the whole United States had a murder rate of 5.5 per 100,000 and Maryland had a rate of 8.1 ( $100 \times 8.1 / 5.5 = 147\%$ ). By showing rate as a percent of the national rate, we remove

national induced trends from the data so that we can evaluate how Maryland does for itself. To provide a context for judging Maryland's performance we include results for the states bordering and surrounding Maryland.

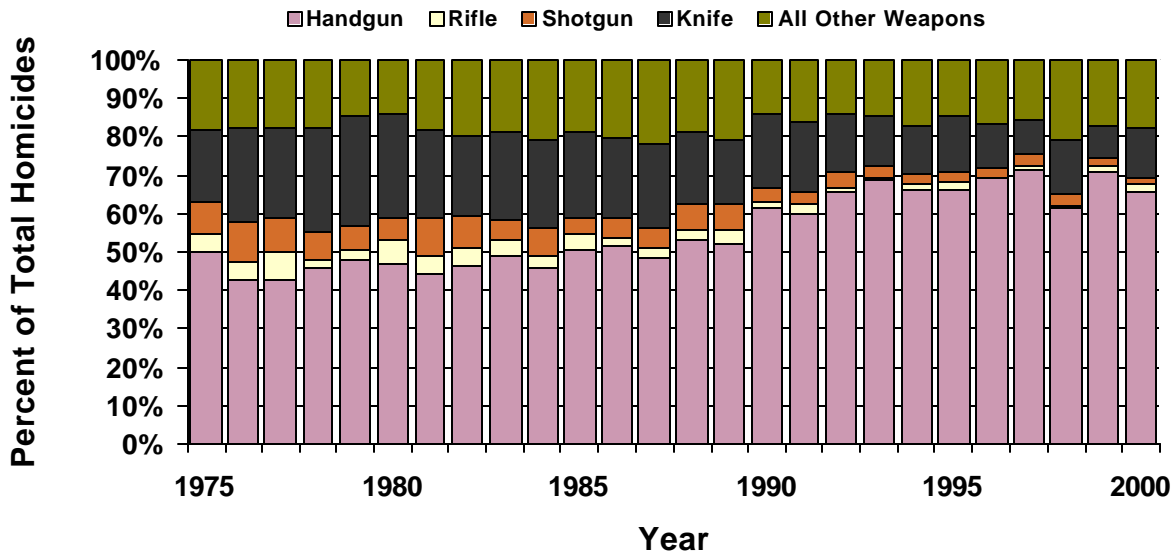
Also on the figure, we show line graphs of murders in Maryland using long guns and handguns to the same scale. Notice that since about 1995, Maryland's murder rate where handguns were used is approximately equal to the national rate by itself. The use of handguns in murder has

grown as a percent of murders and in absolute number since 1988 when Maryland banned small cheap handguns. That is, handguns were used in 241 (53%) of the 452 murders reported by the Maryland State Police (MSP) but by 2000, handguns were used for 289 (66%) of 438 murders. By contrast, in 1988 all long guns (rifles and shotguns) were used in 42 (9%) while in 2000 long gun use had shrunk to 12 (3%). In Figure 2 we see that knives are used more frequently than long guns for murder. Even hands and feet are used more frequently for murder than long guns in Maryland.

**Figure 1 Murder Rates in Maryland and Neighboring States**



**Figure 2 Weapon Use in Maryland Homicides**



## **Talking Points for both HB844 and SB494:**

**Maryland's Restrictive handgun policy is having no positive effect. Handgun murders are growing in numbers and as a percent of murders.**

**Criminals appear to have no trouble getting handguns for their murders – long gun usage has actually declined. But legal handguns have nearly been banned in Maryland with many common makes and models available only to criminals.**

**Less than one-half of 1 percent of all firearms in America fit the long gun categories outlined by the this bill. The percentage of crimes committed with these weapons is an extremely small percentage of all gun-crimes committed, and, when crimes are committed with "assault" guns, they are often with illegally owned weapons proving once again that only the law-abiding will obey these laws. We know that police and Montgomery County Democrats often engage in flights of rhetoric by making claims like these guns are "the choice of drug dealers." In particular, we recall a Baltimore police official solemnly lecturing on the rampant criminal use of these "assault" weapons in his city. When asked to produce all these guns that had been supposedly confiscated, the Baltimore Police Department could only come up with two, which had been taken at a routine traffic stop.**

**The list of long guns to be banned is a small fraction of those used in long gun crimes and long guns are involved in a very small fraction of crimes. The focus on these guns is disproportionate to their use.**

**In choosing which firearms to ban, Maryland's Democrats have revealed they do not know much about firearms. They have picked features that appear menacing, but that either have not been factors in criminal assaults or have little relation to the dangerousness of the weapon. For example, the murderer who killed 19 people in a McDonalds in San Ysidro, California; used a conventional 12-gauge shotgun to kill the first 11. Such a shotgun is far more lethal than scary pistols such as a 9mm Uzi and far more common in criminal assaults than a Bushmaster .223 rifle.**

**The basic premise of this amendment, that these weapons are too "lethal," is simply wrong. More lethal weapons have existed and have been available for decades. Even if one type of weapon were to become the weapon of choice of felons, banning it would not reduce crime; the felons would simply switch to other weapons. Criminals are not criminals because of the availability of "assault" weapons. Even if the assumption that banning these weapons would reduce crime by the exact number of crimes that would have been committed with them if they had not been banned were correct, it would have no appreciable effect on the crime rate. According to the Federal Bureau of Investigation, in 1991, nearly five times as many individuals were murdered with knives (3,405), as were murdered with rifles (741). Criminals also murdered more people with their bare hands (1,189), than they shot with rifles. Out of 1.9 million violent crimes in 1992, less than 10,000 were committed with so-called assault weapons. Legislators who believe that restricting the constitutional right to keep and bear these arms will stem the tide of violence will be sorely disappointed with the results if this bill passes. We see similar behavior in Maryland data shown in the two Figures presented.**

**Maryland's violence suppression policy of focusing on the weapon used is more ineffective than its neighboring states.**

**It is the criminal stupid -- not the criminal's weapon that is important. We need to stick to the facts. The only sure way to reduce crime is to lock up criminals. We know beyond any doubt that the same few repeat offenders, both adult and juvenile, are responsible for the vast majority of crimes committed in America. If we lock them up, they will be unable to terrorize innocent people. The solution is that simple, and that difficult. Too many Senators are unwilling to say these felons are incorrigible. Too many are willing to say they should be given yet one more chance, though doing so will endanger innocent lives. Responsibility is denied, so there is no accountability, and we are left with a society where we must try to ensure safety by limiting license. This approach is the coward's way out, and history proves that human nature will doom it to failure. Unless criminals themselves are effectively punished, attempts to limit the tools of their trade will produce only pathetic results.**

**The result of this policy will be to increase criminal use of these banned guns as is currently being demonstrated by Maryland's various handgun bans.**

**In the particular case of HB844, the ban includes nearly all self-loading pistols since they take detachable magazines and can take a threaded barrel that can accept a flash hider or silencer.**

**The bills ban long gun militia weapons contrary to *Presser v. Illinois*, 116 U.S. 252, 265 (1886) (see <http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=116&invol=252>) which held that "the states cannot prohibit the people from keeping and bearing arms so as to deprive the United States of their rightful resource for maintaining the public security, and disable the people from performing their duty to the general government" and contrary to the Constitution Article I, Section 8 (15, 16).**

**The Bill would restrict the fundamental right to keep and bear arms in a misinformed, poorly reasoned, and futile attempt to reduce violent crime.**

**The Democrat sponsors of this bill have either ignored the right to keep and bear arms or support it only as a right reserved for hunters or the national guard. Both are off the point. Putting aside the fact that the writers of the Constitution clearly had no intent of limiting the right to own weapons, and certainly never made any attempts to do so as public officials, the second amendment clearly speaks of the right of citizens to arm themselves as a militia, or in other words, in self defense. The weapons restricted by this amendment may not be useful for hunting, but they are very useful for self defense, and thus should deserve special protection, not censure.**

### **Additional Point for HB844**

**HB844 has a nasty surprise for Marylander who own self-loading pistols since it would outlaw most of them (unless they are registered). That registration also has a short notice (7/31/03 and there is no bureaucracy established to handle the registration). Can we say trap the gun owner?**