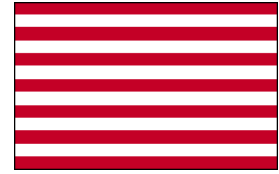


**Maryland Citizens
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HB26/SB282

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We support this bill with essential amendments. The reasons for supporting the bill and the needed amendments are:

1. Criminals wearing body armor are more likely to resist lawful authority and should be considered to be planning to do so. The very plan to act violently to resist should be penalized to the same degree as the act of violent resistance itself.
2. Gun battles between rival drug trafficking gangs are likely to be prolonged if the gang participants wear body armor and that means increased risk to the nearby citizens caught in the middle of such battles.
3. This bill directs action against criminal use of arms (arms include armor) which is the right approach to fighting crime and criminals. This approach is far better than the Governor's approach to make innocent people choose between self protection (by wearing armor) in risky conditions and obeying the law.

Several amendments are needed to make this bill effective. The first is to delete part of code in lines 24 through 26 of the bill defining "bulletproof body armor". Replace these with:

- (3) "Bullet" means that part of ammunition that is propelled through the barrel of the firearm.
- (4) "Bullet resistant body armor" means any material or object that is designed to cover or be worn on any part of the body to prevent, deflect, or slow down the penetration of a bullet.

Replace "bulletproof body armor" throughout with "bullet resistant body armor".

We recommend that the bill be amended to insure that prior criminal intent is needed to sustain any charge under this bill. That is, a person shall be guilty of a crime under this section only if there is a prior intent to commit a crime of violence or a drug trafficking crime. This amendment should also provide that an felon wearing armor and carrying a firearm should be consider as having the prior criminal intent, but that non-resistance to police arrest should provide a factor to mitigate the sentence of the crime.

An amendment requiring criminal intent is needed to insure that people are not innocently placed at risk by this law. So, a person out hunting while wearing bullet resistant body armor who shoots and kills another hunter by accident is not culpable under this law even if he is negligent.