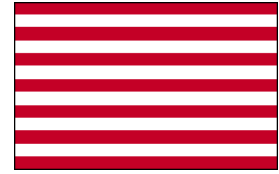


**Maryland Citizens
for the Right to Keep
and Bear Arms**

P.O Box 10448
Silver Spring, MD 20914-1044



<http://www.mcrkba.org/>

March 12, 2001

SB209/HB305

Mark Wilson, LTC, AUS, Ret., - Edward Patrick, - Philip F. Lee, PhD

We strongly oppose passage of this bill. It has a bad definition for “bulletproof body armor” and it makes illegal the purchase, ownership, or possession of bulletproof body armor except for certain privileged people. The proposed Article 27B says it all...EXCEPT AS PROVIDED IN SECTION (C) OF THIS SECTION, ANY PERSON WHO PURCHASES, OWNS, OR POSSESSES BULLETPROOF BODY ARMOR IS GUILTY OF A MISDEMEANOR AND UPON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$5,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH.

The "exceptions" in section C are, of course, all first-class citizens – the 2nd-class includes most of the voters of this state.

1. This law is unconstitutional on face. It will violate the right to self defense that we all have and, therefore, will place Maryland at war with its law-abiding citizens rather than at war with crime and criminals.

2. It divides the citizenry into an elite law enforcement class¹ and a common peasant class, and it assumes criminal intention on the part of the peasant possessor, purchaser, or owner of the ballistic vests. No crime nexus is required for prosecution, so a peaceable citizen worried about drug gang shoot outs (which Maryland’s tolerance for drug crime has made frequent in Baltimore and PG) who is wearing a ballistic vest in his home while watching television will be breaking the law if this law is enacted.

3. Once again, Maryland is not trying to stop convicted felons who commit multiple parole violations. Instead, Maryland legislators are constructing a smoke screen to cover an ABYSMAL record at the prosecution and tracking of predators. **The sponsors of this legislation have lost their moral compass.** No one has been killed because a decent citizen wore a ballistic vest, but Sgt. Prothero was killed by the Moore brothers who violated parole for drug convictions and Cpl. Edward M. Toatley was killed by a drug dealer free on probation despite having failed to show up for eight probation appointments, 61 drug tests and a substance abuse treatment program.

The criminal justice system in the State of Maryland is appalling. The killers of Sgt. Bruce Prothero all had felony records which covered most of their adult lives, and of course the seed was sown while they were still juveniles. The word juvenile is too kind for killers, rapists and druggies who are under the age of eighteen. How many times can one be charged with Attempted Murder, Aggravated Assault, Handgun Violations, etc. before the key is thrown away? Who is silly enough to believe such people can be rehabilitated? What good is Home Detention when another of the killers is out in society, and the system which "punished" him had no clue where he was when this heinous crime was committed?

Now Maryland wants to “fix” its crime problem by creating a new law that will not be enforced against criminals but will reduce the measures decent people may take for their own protection.

How typical, how outrageous!

¹ As if it isn't divided already by exemptions such as those in last year's SB-211 which exempt law enforcement officers from being required to purchase the kinds of firearms law-abiding Maryland citizens are required to purchase, and similar exemptions elsewhere.

4. The bill provides the same penalty for unlawful possession of ballistic armor (see the text:
9 (B) EXCEPT AS PROVIDED IN SECTION (C) OF THIS SECTION, ANYPERSON WHO
10 PURCHASES, OWNS, OR POSSESSES BULLETPROOF BODY ARMOR IS GUILTY OF A
11 MISDEMEANOR AND UPON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN
12 \$5,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH.)

as Maryland currently has for wearing ballistic armor during a violent felony (see:
11 [(b)] (E) Any person who wears bulletproof body armor in the commission of a
12 crime of violence is guilty of a separate [misdemeanor] FELONY and on conviction, in
13 addition to any other sentence imposed by virtue of commission of the crime of
14 violence, is subject to a fine of not more than [\$5,000] \$10,000 or imprisonment for not
15 more than [5] 10 years or both.)

Also, the bill will increase the wearing penalty during commission of a crime. That we do not oppose. But it seems strange that Maryland would propose that the simple possession of armor warrants the same severe penalty as we currently apply to the act of using it to aid a violent felony.