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SB 220 and HB 806

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Maryland Citizens for the Right to Keep and Bear Arms strongly supports both HB 806 and SB 220. If there is insufficient time for the legislature to merge these two bills into one good one in a conference committee, then we ask that HB 806 provisions be adopted with the amendments described below.

1. Benefits to Maryland Citizens. The Maryland code as amended by HB 806 / SB 220 would quickly result in many law-abiding citizens being issued carry concealed weapons permits and their actually carrying such weapons. That fact alone would put criminals on notice that they no longer may be 99.99% sure that their potential victims are unarmed. Criminals prefer highly vulnerable unarmed victims. For many years now this legislature has been accommodating them – providing criminals with a victim-rich environment here in Maryland.

If Maryland had an increased number of law-abiding citizens carrying concealed weapons, criminals would face uncertainty about their potential victims ability to defend themselves - with lethal force if need be. That uncertainty would start to significantly reduce Maryland's unacceptably high rates of homicide (# 4 in nation), violent crime (#4 in nation), and robbery (#1 in nation for each of the last five reported years) compared to other states (according to FBI Uniform Crime Reports for 1995 – 1999). See Attachment 1 for study data reported by Professor Lott.

Passage of either of these bills would make the citizens of Maryland much safer than they are today. That increase in relative safety would improve the quality of life for all of us.

2. Age Discrimination. Last year some witnesses spoke against a similar bill's proposed increase in a permit holder's minimum age to 21 from its current 18. These 18, 19, and 20-year olds are recognized as legal adults. Now why do the bills attempt to discriminate against these young legal adults? It would be wrong, legally and morally, to deny equal protection of the laws to a category of legal adults. Professor John Lott studied data on this issue and he reports that concealed carry permit holders aged 18 through 20 are no more likely to commit criminal acts than ones age 21 and older. See Attachment 2.

From a legal perspective, discriminating against a group of legal adults would violate the equal protection clause of the U.S. Constitution. Such discrimination should be opposed even if it were not unconstitutional. From a moral perspective, it would be wrong to deny law-abiding legal adults the ability to protect themselves and their families just because they were young. Our young adults have more life to lose than we older citizens do. How would you feel if you were a young man or woman of legal adult age who had been threatened by members of a gang in the following circumstances? Assume that you applied for a permit to carry a handgun in order to protect yourself. But then you were told that you were not permitted to protect yourself in that way because you were not yet age 21? Who is protecting those adult victims who have reached age 18 but not age 21 if it is not they?

Most of Maryland's victims of violence and homicide are young African Americans in Baltimore City and Prince George's County. Many are shot in drug gang warfare, but some if not many of the dead and wounded were innocent citizens. Drug gang warriors already are illegally armed. So the adverse impact of an increased minimum age would fall heaviest upon those members of the African American race who are law-abiding citizens. Some might call these bills racist for that reason.

Let us reiterate - very young African American adults need concealed carry weapon protection the most, but they would be denied it under these bills as currently written. We all know that needing such protection as they do, many decide to carry concealed weapons illegally. They are out there on the streets of Baltimore City and PG County right now as we sit here. After all, is it smarter to be risk being murdered or risk some jail time?

Do you really want to make otherwise law-abiding young Blacks into criminals under this bill because they've not reached age 21 but have decided that they need to carry a handgun with which to protect themselves? Don't we have enough young Blacks in jail already for the offense of carrying a gun illegally? How many law-abiding young adults, Blacks or otherwise, would be able to obtain a permit under today's Maryland laws? NONE! Yet younger and younger thugs are committing violent crimes and murders. In spite of this being so, the bill would go in the other direction and raise the age at which law-abiding young Blacks may legally carry a gun. Even if this bill were passed, some under age 21 would die because they were not permitted to carry a firearm legally and they reluctantly complied with the law. That is the practical consequence of raising the age limit.

Many young soldiers under age 21 fought and died in combat. They were given firearms with which to defend themselves, and in the process they gave their lives to this nation. Under this bill those same soldiers are considered too young to carry a handgun defend themselves and their families. In close up defensive shooting situations a handgun is needed, not a long gun.

We urge you to eliminate this age discrimination provision.

3. **Application Processing Time Allowed State Police.** There are so many good things about HB 806 and SB 220 that we will not take further time of the Committee on other issues except one - the time allowed between State Police receipt of all the necessary application data and materials from a citizen and the time when the State Police must issue either a permit or an application rejection letter. The proposed 90-day period allowed them to issue a permit is just too long, especially if a citizen is being threatened. Consider a woman who is being stalked even though she has a court order requiring someone to stay away. Also, certain business circumstances might quickly develop requiring that a concealed firearm needed for protection be issued rapidly. So while routine applications should be processed within 45 days, and HB 806 amended to so require, the bill also should be amended to require that a Judge issuing a protective order include an order to the State Police for accelerated handling of any concealed carry permit application from a plaintiff - and require that the Police respond to those applications with great speed, perhaps within just 24 or 48 hours. Allowing only one time period would not fit all circumstances. Different processing times are needed based on differences in the perceived threat or risk.

4. **The Year 2000 SB 211 Goose and the Year 2001 HB 806 / SB 220 Ganders.**

It was stated here by some legislators last year about SB 211, which was openly admitted to be flawed legislation, that, "A flawed bill is better than no bill." That way of operating - ramming important but flawed things through into the law - should at least be consistently applied. So it should also be applied now to HB 806 and SB 220 if they are considered to be less than perfect. These bills have nothing compared to the magnitude of the flaws in last year's SB 211. HB 806 and SB 220 are both better than no concealed carry weapons bill - especially when either will save the lives of Maryland citizens. Accordingly, if available time does not permit the legislature to develop such minor refinements as the above - which we think may be completed in the remaining time - then the current concealed carry weapons bills (and our preference is HB 806) should be passed as is in order to literally save the lives of Maryland citizens. Fine-tuning may take place next year.

2 Attachments

1. "Concealed guns reduce crime; If people are packing, crooks think twice" by John R. Lott Jr. (the John M. Olin law and economics fellow at the University of Chicago School of Law and the author of "More Guns, Less Crime") Star Tribune (Minneapolis, MN) August 16, 1998, Metro Edition.
2. "Gun Laws Can Be Dangerous, Too" by John R. Lott, Jr. - Copyright 1999 Wall Street Journal - May 12, 1999

Concealed guns reduce crime; Attachment 1
If people are packing, crooks think twice - http//www.tsra.com/Lott5.htm

Star Tribune (Minneapolis, MN) August 16, 1998, Metro Edition

By John R. Lott Jr., the John M. Olin law and economics fellow at the University of Chicago School of Law and the author of "More Guns, Less Crime."

Minnesota DFLers think they have found Republican gubernatorial candidate Norm Coleman's Achilles heel. So what is Coleman's supposed weakness? At least until last week, when he appeared to soften his position, Coleman supported replacing Minnesota's current subjective discretionary concealed handgun law with objective standards regarding training and criminal background checks to determine who is granted a permit.

Ted Mondale claims that Coleman "threatens the safety and security of our families." Mike Freeman says it will lead to "impulsive gun violence." DFL radio ads assert that Coleman is putting "our children at risk." Among DFL gubernatorial candidates, only Doug Johnson supported Coleman's position.

Given the horrific crimes committed with guns, such opposition is understandable. But much of the public policy debate on guns is driven by lopsided news coverage that mentions only the crimes committed with guns. Usually ignored are the over 2 million times each year that Americans use guns defensively. Dramatic stories of mothers who use guns to stop carjackers from kidnapping their children seldom even make the local news.

Police play an extremely important role in reducing crime, though they virtually always arrive at the crime scene after the crime has been committed. The question is what would-be victims should do when they must face a criminal by themselves. Passive behavior, particularly for women, is not the wisest course of action. The probability of serious injury from a criminal confrontation is 2.5 times greater for women offering no resistance than for women resisting with a gun. Allowing people to defend themselves also deters criminals from attacking in the first place.

Guns enable "bad guys" to kill more easily, but they also allow the innocent to defend themselves. The crucial question becomes: What is the net effect? Do guns deter crime or encourage it? Are more lives saved or lost? Anecdotal evidence cannot resolve this debate.

To provide a more systematic answer, I published a book on gun control that analyzed FBI crime statistics for all 3,054 American counties from 1977 to 1994 as well as extensive information on accidental gun deaths and suicides. The study examined states that changed from discretionary to objective concealed-handgun laws. Thirty-one states now have these "right-to-carry" rules.

The findings were dramatic. The more people who obtain permits over time, the more violent crime rates decline. After concealed handgun laws have been in effect for five years, murders declined by at least 15 percent, rapes by 9 percent and robberies by 11 percent. These are the drops over and above the recent national declines and after such things as changing arrest and conviction rates, demographics, and other gun-control laws have been accounted for. The reductions in violent crime are greatest in the most crime-prone, most urban areas. Women and blacks gained by far the most from this ability to protect themselves.

The benefits of concealed handguns are not limited to those who carry them or use them in self-defense. That these weapons are concealed keeps criminals uncertain as to whether potential victims will be able to defend themselves with lethal force.

What about the concern in DFL's ad about "allowing virtually anyone to carry a concealed gun"? The evidence in other states indicates that those willing to go through the permit process are extremely law-abiding . Permits are revoked for any reason very rarely, and most of these revocations have nothing to do with improper use of a firearm.

Concerns that permit holders would shoot others after traffic accidents or angry-drivers-cut-off-in-traffic shootings have proven unfounded. Despite millions of people now holding permits and some states having issued permits for as long as 60 years, only one permit holder has ever used a concealed handgun after a traffic accident, and that case involved self-defense.

No permit holders have ever shot at, let alone killed, a police officer; instead, permit holders have on occasion saved the lives of police officers who were being attacked by criminals. I found no evidence that concealed handgun laws caused either accidental gun deaths or suicides to increase.

A system of objective standards also has an important advantage over discretionary rules that let public officials decide on a case-by-case basis who deserves a permit. Discretionary rules have made it especially difficult for the poor and minorities, who are not as well connected politically but who face the greatest threats from crime, to get permits.

Surely one of the most terrifying incidents anyone can witness involves the shootings of multiple victims in a public place. Victims recount their feelings of utter helplessness as a gunman methodically shoots his cowering prey. Some countries have reacted to these events by banning guns, though others, such as Israel, have taken to licensing their citizens to carry concealed handguns. Indeed, much of the impetus for concealed-handgun laws in the United States during the 1980s arose from the belief that these laws would prevent such attacks.

Using data on these shootings for all states from 1977 to 1995, incidents in which at least two people were killed or injured in a public place were also studied. Shootings that were the byproduct of another crime, such as robbery, were excluded. The United States averaged 21 such shootings per year, with an average of 1.8 people killed and 2.7 wounded in each one.

A range of different gun laws as well as other methods of deterrence, such as the death penalty, were examined. However, only the concealed-handgun laws succeeded in reducing deaths and injuries from these shootings. When states passed them, the number of multiple-victim public shootings declined by 84 percent. Deaths from these shootings plummeted by 90 percent, injuries by 82 percent. Shootings still occur in places like schools, were guns are illegal. Higher arrest rates and increased use of the death penalty slightly reduced the incidence of these events, but the effects were never statistically significant.

While national surveys of police show they support concealed handgun laws by a 3-1 margin, the experience after passage of concealed-handgun laws has caused even former opponents in law enforcement to change their positions. A typical response was provided in December by Glenn White, president of the Dallas Police Association. He said, "I lobbied against the law in 1993 and 1995 because I thought it would lead to wholesale armed conflict. That hasn't happened. All the horror stories I thought would come to pass didn't happen . . . I think it's worked out well, and that says good things about the citizens who have permits. I'm a convert."

To date, I have made my data available to academics at 36 universities. Everyone who has tried has been able to replicate my findings, and only three have written pieces critical of my general approach. Although the vast majority of researchers concur that concealed-handgun laws significantly deter crime, not even these three critics have argued that allowing concealed-handgun laws increases crime.

Before my work, the largest previous study examined 170 cities within one single year and found results similar to my own. Ted Mondale frequently cites the only study that has found any category of crime to increase. Yet that study picked a total of only five counties from three states, with no explanation on how those five counties were chosen, and accounted for no other factors that affect crime.

Both sides in the gun control debate have their own anecdotal stories, and surely many hypothetical horror stories will be raised before this campaign is through. Fortunately these fears are easily disproved once one looks at the experience in other states. The benefits are also equally obvious. My estimates for Minnesota, based upon its characteristics, indicate that a right-to-carry law would prevent about 1,500 violent crimes each year.

Gun Laws Can Be Dangerous, Too

Attachment 2

- http//www.tsra.com/Lott22.htm

By John R. Lott, Jr. - Copyright 1999 Wall Street Journal - May 12, 1999

Keeping their promise to President Clinton, Republican leaders in Congress have moved quickly to consider a broad range of gun-control laws in the wake of the Littleton attack. Today the Senate will be debating and voting on a range of new proposals, with the House Judiciary Committee set to start hearings tomorrow. Mr. Clinton says that we must "do something" and that he knows "one thing for certain"If more restrictions had been enacted, "there would have been fewer kids killed."

But would more gun laws save lives? There are already a large number of laws in place. The Columbine murderers, Eric Harris and Dylan Klebold, violated at least 17 state and federal weapons-control laws. Mark E. Manes, who allegedly sold the handgun to Harris and Klebold, may have violated at least one federal and one state law, and if either of the killers' parents knew their child possessed a handgun, they would have run afoul of a Colorado law. Nationwide there are more than 20,000 gun-control laws that regulate everything from who can own a gun and how it can be purchased to where one can possess or use it.

Regulations have both costs and benefits, and rules that are passed to solve a problem can sometimes make it worse. The biggest problem with gun-control laws is that those who are intent on harming others, and especially those who plan to commit suicide, are the least likely to obey them. Mr. Clinton frames the issue in terms of whether hunters are willing to be "inconvenienced," but this misses the real question: Will well-intended laws disarm potential victims and thus make it easier for criminals? Potential victims use guns more than two million times a year to stop violent crimes; 98% of the time simply brandishing a gun is sufficient to stop an attack. Crimes are stopped with guns about five times as frequently as crimes are committed with guns.

Consider, then, the costs and benefits of Mr. Clinton's main proposals.

Waiting periods. A three-day waiting period for handgun purchases could not possibly have stopped the Littleton attack, which the killers had been planning for a year. Mr. Clinton focuses on the general benefits from a "cooling-off period," and such benefits might exist. Yet real drawbacks exist, too. Those threatened with harm may not be able to quickly obtain a gun for protection. Experience with the Brady waiting period that lapsed last year, as well as with state waiting periods, indicates that these laws are either neutral or do more harm than good. In the only academic research done on the Brady law, I found that the national waiting period had no significant impact on murder or robbery rates and was associated with a small increase in rape and aggravated-assault rates.

Mandatory gun locks. This proposal, too, is unrelated to the attack in Colorado; Eric Harris and Dylan Klebold would have known how to unlock their guns. Mr. Clinton claims that gun locks will save lives, particularly those of young children. In 1996 30 children under five died in gun accidents--fewer than the number who died of drowning in water buckets. With some 80 million Americans owning 240 million guns, the vast majority of gun owners must be extremely careful or such accidents would be much more frequent.

More important, thousands of children are protected each year by parents or other adults using guns to defend themselves and their families. Mechanical locks that fit either into a gun's barrel or over its trigger require the gun to be unloaded; and locked, unloaded guns offer far less protection from intruders. Thus requiring locks would surely increase deaths resulting from crime. Gun locks may make sense for parents who live in low-crime areas, but this should be a matter of individual choice.

Prison sentences for adults whose guns are misused by someone under 18. Parents are already civilly liable for wrongful actions committed by their children, but Mr. Clinton proposes a three-year minimum prison term for anyone whose gun is used improperly by any minor, regardless of whether the gun owner consents to or knows of the use. This is draconian, to say the least, the equivalent of sending Mom and Dad to prison because an auto thief kills someone while driving the family car.

New rules for gun shows. The Clinton administration has provided no evidence that such shows are important in supplying criminals with guns. What's more, it is simply false to claim that the rules for purchasing guns at a gun show are any different from those regarding gun purchases anywhere else. Dealers who sell guns at a show must perform the same background checks and obey all the other rules that they do when they make sales at their stores. Private sales are unregulated whether they occur at a gun show or not.

If, as Mr. Clinton proposes, the government enacts new laws regulating private sales at gun shows, all someone would have to do is walk outside the show and sell the gun there. To regulate private sales, the government would have to register all guns. Those who advocate the new rules for gun shows should be willing to acknowledge openly if their real goal is registration.

Age limits. Mr. Clinton proposes a federal ban on possession of handguns by anyone under 21. Under a 1968 federal law, 21 is already the minimum age to purchase a handgun, but setting the age to possess a handgun is a state matter. While some people between 18 and 21 use guns improperly, others face the risk of crime and would benefit from defending themselves. My own research indicates that laws allowing those between 18 and 21 years of age to carry a concealed handgun reduce violent crimes just as well as those limited to citizens over 21.

Background checks for purchasers of bomb-making material. This will have little effect, simply because few items are likely to be covered. No one seriously discusses including fertilizer, used to make the bomb that killed 168 in Oklahoma City in 1995, or propane tanks like the ones found after the Littleton massacre. There are simply too many common household items that can be used to make bombs.

Much of the debate over gun control these days is conducted without regard for facts. For example, the press reproduces pictures of a Tech-9, the so-called assault pistol used in the Columbine attack. The pictures show a much larger ammunition clip than was actually used, making it look as frightening as possible. Few reports even mention that at most one of the 13 Littleton victims was killed with this gun. In spite of all the rhetoric and despite its appearance, this "assault weapon" functions no differently from other semiautomatic pistols sold in the U.S. It is no more powerful, it doesn't shoot any faster, and it doesn't shoot any more rounds. One pull of the trigger fires one bullet.

Good intentions don't necessarily make good laws. What counts is whether the laws will ultimately save lives. The real tragedy of Mr. Clinton's proposals is that they are likely to lead to the loss of more lives.

John R. Lott Jr. is a fellow in law and economics at the University of Chicago School of Law. He is author of "More Guns, Less Crime: Understanding Crime and Gun Control Laws" (University of Chicago Press, 1998).