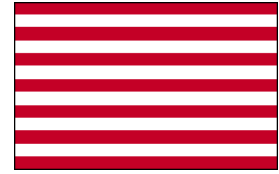


**Maryland Citizens
for the Right to Keep
and Bear Arms**

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March 12, 2001

SB475/HB622

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

We oppose passage of this bill for the reasons:

1. This Bill is not Project Exile as suggested by the title. There is already a mandatory minimum sentence for felony possession of firearms that is routinely ignored in Maryland law. Project Exile addresses imposing mandatory sentences under Federal firearms law and Federal prosecutions. This bill does not address cooperation with Federal authorities. Project Exile in Richmond included financing for public education (billboards, cards handed out by police) and rapid trials in federal courts (eliminating judge shopping) on just the firearm possession charges – also not addressed in this bill. When one drives on Interstate 495 across the American Legion bridge from Maryland into Virginia one immediately sees Virginia's Project Exile sign warning about illegal guns and stating the sentence of five years in jail - period - no exceptions. Also, the real Project Exile included possession of ammunition by felons as violations subject to Federal penalties. (For more information about Project Exile, see attached article).

2. This bill needs an amendment to state minimum penalties for certain possession offenses by felons since those were missed.

With Project Exile, Federal and state officials work together to crack down on armed convicted felons and drug dealers. They are brought to trial in federal courts as opposed to state courts. It is much harder for them to obtain bail and justice is swifter with stiffer penalties. Basically, Exile prosecutions means no judge shopping, no bail, no plea bargaining, a mandatory sentence, and confinement in a federal prison in some other (Exile) state. This bill lacks such provisions.

3. The bill continues Maryland's loose controls for dangerous violators by allowing a range of conditions for release that do not adequately protect the public.

4. The bill treats possession of a pen knife on school property too severely and you need to modify the possession of deadly weapon provisions in order to reflect the actual use or show that there was a planned use of a weapon. Otherwise, for example, simple possession of a baseball bat or hammer might be considered as possession of a deadly weapon. More restrictions upon a police officer's discretion need to be enumerated in this legislation if you are to phrase the law in a manner which minimizes the potential for abuse of Maryland citizens -- such abuse, as you know, has happened before in Maryland¹ and your best efforts in order to prevent further instances of such abuse are needed here.

5. This bill puts at risk any private citizen coming to the rescue of a child being assaulted on school property if that private citizen uses a deadly weapon to defend the child. So, school property is being treated differently in such circumstances than a public road for example. Imagine having a knife in your house next to a school, seeing dogs attack a child on a school play ground, going to rescue with the knife to fight off the dogs, and then being arrested for your heroic rescue.

¹ In Baltimore a citizen stopped an attack in front of his home by taking an empty pistol from his house and pointing it while standing in his yard at the attacker. The authorities wanted to prosecute him – public outcry stopped that effort.

Richmond project curbs gun deaths

By KIM COBB

Web-posted: 12:22 a.m. Sep. 8, 1999

FORT WORTH, Texas -- By the end of September, the warnings will be up on billboards all over this Texas city: "Gun Crime Means Hard Time."

In Richmond, Va, the signs carry this message: "An Illegal Gun Gets You Five Years in Federal Prison."

In Rochester, N.Y., you might read a similar warning on the side of a city bus: "You + illegal gun = federal prison."

Behind the tough messages is a new approach to curbing gun violence that is being adopted by cities around the country, where officials are eager to duplicate the apparent success of Richmond's 2-year-old "Project Exile."

Criminals who ignore the advertised warnings and tote guns face tough, specialized federal prosecution instead of getting lost in the overwhelmed state courts.

In each city, they're selling a promise that if you're caught carrying a weapon in the commission of a crime, the local authorities will turn you over to the feds, who will use existing law to seek out the longest sentence applicable for your offense. A convicted felon caught with a gun or anyone caught carrying a gun while trafficking in drugs will usually draw at least five years in a federal penitentiary.

In the federal system, repeat offenders get more time, federal prisoners serve about 80 percent of their sentences and there is no parole.

"There's been a sea change in the criminal community," says James B. Comey, criminal division chief in Richmond's U.S. attorney's office. "The bad guys say exactly the same thing: 'Hey man, nobody's carrying any more. That thing will get you five years.'"

Richmond had the second-highest murder rate in the country in 1997, the year it started Project Exile. The city ended the year with 140 homicides, but by the end of 1998 that number had dropped to 94. The city has recorded only 47 homicides through the first eight months of this year, compared with 67 for the period last year.

"We are doing something," Comey said. "We are becoming a zero-tolerance city for guns."

Because the program doesn't require new gun laws, and is not gun control in the traditional sense, even the National Rifle Association is supporting Project Exile. That makes it a rare animal -- a gun program that President Clinton, Sarah Brady and the NRA can agree on.