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# MARYLANDERS TO PREVENT GUN VIOLENCE

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## 2019 MGA LEGISLATIVE WRAP-UP



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**Get in touch with us.**

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The Maryland General Assembly completed its 2019 legislative session and adjourned on Sine Die at midnight on Monday, April 9th. After an extremely successful 2018 session, we were uncertain whether gun violence prevention would be prioritized in 2019. However, the occurrence of gun deaths and injuries in Baltimore City remains too common. The 2018 shooting at Great Mills High School revealed glaring deficiencies in our child access prevention laws. We celebrate our successes, but cannot rest on our laurels. Our laws and policies require constant assessment and vigilance to close existing loopholes that permit prohibited people and minors from accessing guns. Important work remains to block the diversion of illegal guns to our streets.

The 2019 session commenced with a wave of new legislators adjusting to their roles along with an undercurrent that other progressive causes would take precedence over gun violence prevention. MPG's 2019 strategic priorities aimed to prevent access to illegal guns and to keep guns out of the hands of minors. Through unwavering hard work and commitment, MPG achieved legislative success in these priority areas during the 2019 session. We are pleased to share our 2019 legislative summary and recommit to our mission to keep Marylanders safe from gun violence.

## SUCCESSES

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### **Elimination of the Handgun Permit Review Board**

MPGV began monitoring the Handgun Permit Review Board in 2016. The Handgun Permit Review Board (HPRB) was established to hear appeals of applicants who are denied a Wear-and-Carry permit by the Secretary of the Maryland State Police. The Board consists of five citizens who are nominated by the Governor and confirmed by the State Senate. Over the last four years, there has been a substantial increase of the number of appeals brought to the Board. In addition, our monitoring efforts demonstrate a dramatic decrease in the rate that the Board upholds the Maryland State Police's denial. In 2018, the Board upheld the decision of the Maryland State Police approximately 14% of the time. Last year, the legislature passed a bill to require the Board to disclose their minutes and annual report. With this information, Senator Pam Beidle and Delegate Vanessa Atterbeary were able to introduce and pass a legislation to eliminate the Board. The appeals will now be heard with qualified, unbiased judges at the Office of Administrative Hearings. This will help uphold Maryland's strong concealed carry laws and prevent a politically-appointed board from circumventing our laws.

### **Preventing Illegal Transfers**

Maryland enacted a background check requirement in conjunction with the transfer of regulated firearms in 1996; however, the law did not define "transfer" and in the absence of a definition, courts have accepted the argument that the law does not apply to a "loan". This seemingly insignificant gap gave criminals an opportunity to complete illegal transfers or straw purchases and argue they did not violate the law. The Johns Hopkins Center for Gun Policy and Research released a study showing that convictions of illegal transfer decreased significantly after the harmful legal precedent was set in 2006. An increasing number of firearms began to flow to the streets through this small crack in our law. This bill sponsored by Delegate Kathleen Dumais and Senator Bill Ferguson closes this dangerous loophole by prohibiting loans to prohibited people and anyone intent on committing a crime. MPG advocated for a more comprehensive definition of a "loan", but the bill was weakened in committee. Although the final bill fell short of our expectations, this new law will significant support law enforcement efforts to stop guns from making it to the underground market. This change will effectuate greater accountability for those who violate the current law's requirements and a reduction in illegal gun transfers.

## Illegal Gun Trace Study

Although Maryland has strong and meaningful gun laws, it is surrounded by states with looser regulations. In addition, there are gaping loopholes in the federal system allowing private transfers of firearms that make it easier to divert guns to the illegal market. It is imperative to understand how guns come into our state in order to implement laws to stem the flow of these firearms. Senator Jill Carter and Delegate Sandy Bartlett passed a bill requiring the Governor's Office of Crime Control and Prevention to conduct and publish a study that will determine where crime guns originate, how guns cross into the underground market, and identify dangerous loopholes in existing laws. Advocates will use this information to develop stronger, more comprehensive policy proposals and better understand how well current laws are being implemented.

## GVP LEADERS AND SPONSORS

Senator Pam Beidle

Delegate Vanessa Atterbeary

Senator Bill Ferguson

Delegate Sandy Bartlett

Delegate Kathleen Dumais

Senator Jill Carter

Senator Will Smith

Delegate Dana Stein

## SUCCESSFULLY OPPOSED BILLS

Our opponents introduced over 20 bills this session that, if enacted, would have weakened Maryland's strong gun laws. MPGK prevented all of them from passing. MPGK focused on fighting the gun lobby's top priority: weakening our state's concealed carry standards. We defeated bills that would have weakened our concealed carry permit standards by allowing an unverifiable claim of self-defense to become a 'good and substantial reason' for issuing a permit. Currently, a person is required to show documentation of a specific threat against him or herself in order to meet the standard. The proposed changes would have substantially weakened our strong wear-and-carry permit standards and would dramatically expanded the number of people permitted to carry a firearm in Maryland. The gun lobby will be back in force to fight for this bill again next year. We must remain vigilant.

## LEGISLATIVE LOSSES

Unfortunately, there was one important bill that was not passed: Child Access Prevention. After the murder of Jaelynn Willey at Great Mills High School, MPGK worked with the students of Great Mills and March For Our Lives MD to draft and promote a bill to strengthen existing safe storage requirements applicable to firearms that are potentially accessible to an unsupervised child. The bill also increased the age of a "child" from under 16 to under 18. This bill sponsored by Senator Will Smith and Delegate Dana Stein did not make it out of committee. Child access prevention will continue to be an important priority for MPGK in the 2020 legislative session.