

Maryland Shall Issue ®
The Citizens Defense League of Maryland

Maryland Shall Issue® Position Statement

SB-911 - Public Safety - Firearms Regulation by Local Jurisdictions – OPPOSE

Creating a specified exception to the State preemption of a political subdivision's authority relating to firearms; and authorizing a political subdivision to require a specified person to report the purchase of specified firearms; and authorizing a political subdivision to require a specified report to include specified information.

SB911 would authorize jurisdictions to require all licensed firearms dealers to report all purchases of firearms to local law enforcement agencies. This is ostensibly being introduced as a measure to combat the trafficking of stolen guns, but in reality it is registration by law enforcement of all gun purchases and a very real attempt to begin the breakdown of the state's preemption laws that protect gun owners.

Background on this bill:

You'll recall that back in June, 2011 we brought to your attention an ordinance that was passed by the outgoing Anne Arundel County Council in November of 2010 that required those businesses dealing in second hand property to report their transactions to the county police. County Executive John Leopold instructed the police department to apply this to firearms dealers.

MSI, knowing that this ordinance was a violation of the state's preemption laws, worked with County Councilman Jerry Walker and Delegate Don Dwyer to both get the ordinance repealed and to have the attorney general's office declare it illegal. The AG's office agreed with our assessment and the ordinance was nullified.

Undeterred, John Leopold began shopping for sponsors for enabling legislation that would authorize Anne Arundel County to continue with this policy. Presumably, his intent was to get specific language that would apply to Anne Arundel County. This sort of thing is done by delegations on county specific matters routinely.

The usual protocol for enabling legislation is that it comes from the delegation of the jurisdiction that the bill would affect. It would appear that Leopold has worn out his welcome in Anne Arundel County to the extent that he couldn't get anyone from his delegation to carry the bill for him, so he had to go elsewhere.

It seems that he found a friendly ear in anti-gun senators Brian Frosh and Jamie Raskin.

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This bill is extremely dangerous on two fronts:

First, SB911 authorizes local police departments to collect records of purchases of firearms. The bill would permit jurisdictions to pass ordinances that would require licensed firearms dealers to tell the police who purchased firearms from them, thus creating a de facto gun registry.

Whereas the Anne Arundel County ordinance required licensed firearms dealers to report when they acquired a used firearm from an individual, SB911 specifies that the dealer could be required by a jurisdiction to report the sale of all firearms to the police. In other words, if your county enacted legislation as authorized by SB911, the police would know what you bought, where you bought it, when you bought it and where you live. Further, this would apply to all firearms, regulated or non-regulated.

That is called a gun registry.

Secondly, SB911 is an attempt to break down a Maryland gun owner's best protection, preemption.

The State of Maryland "preempts the right of a county, municipal corporation, or special taxing district to regulate the purchase, sale, taxation, transfer, manufacture, repair, ownership, possession and transportation of" a handgun, rifle or shotgun as well as the ammunition for those firearms. Criminal Law Article - Section 4-209 (a)

This single section of code is what prevents jurisdictions from placing controls on firearms that are different than the state at large. It is what avoids a patchwork of laws that gun owners must navigate as they travel from jurisdiction to jurisdiction.

Without preemption, we could see taxes on firearms in one county, prohibited ammunition in another, restrictions on certain firearms in another and perhaps bans on certain types of firearms in yet another.

Do the gun owners of Prince George's, Montgomery and Howard Counties as well as Baltimore City have any doubts whatsoever that their delegations would like nothing more than to see this bill pass so that they can further infringe upon your rights?

Do the gun owners of other jurisdictions have any doubts that once the momentum has built for these greater restrictions, that there won't eventually be a push for an "alignment" of all of the state's laws with those jurisdictions named above?

Yes....a very dangerous bill indeed.

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What we need you to do:

Since it took so long for this bill to appear, it missed the deadline for regular introductions of bills into the Senate. It has thus been sent to the Senate Rules Committee who must first approve the bill being sent to the Senate Judicial Proceedings Committee where it would normally be heard.

So, our first task is to make sure that it doesn't make it out of the Rules Committee. This may prove a difficult task in itself since the lead sponsor of the bill, Brian Frosh, is the vice-chair of the committee.

Contact the members of the Senate Rules Committee listed below and ask them for an unfavorable report on SB911 Public Safety - Firearms Regulation by Local Jurisdictions.

- SB911 is a gun registry because it permits jurisdictions to enact legislation that allows local law enforcement to record the sales of all firearms.
- The Maryland State Police and Bureau of Alcohol, Tobacco and Firearms already maintain records of all transactions by licensed firearms dealers.
- Local law enforcement has no business having the records of all gun purchases.
- SB911 is the first step in breaking down preemption.
- Preemption protects Maryland citizens from a patchwork of laws from jurisdiction to jurisdiction.

**Contact information for the Senate Rules Committee
Continues On the Next Page.**

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