



THE GOVERNOR'S COMMISSION
ON GUN VIOLENCE:

*Comprehensive Reform
for a Safer Maryland*



November 1, 1995

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Commission on Gun Violence
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I. BACKGROUND:

A. Creation of the Commission:

Governor Parris N. Glendening announced the creation of the Governor's Commission on Gun Violence on April 27, 1995. Citing the "obscene level of gun violence" in Maryland, Governor Glendening charged the Commission with:

- (1) Studying the scope of gun trafficking, gun violence and gun-related accidents in Maryland;
- (2) Studying existing laws pertaining to the distribution, possession and use of guns and recommending methods for improving enforcement;
- (3) Developing legislative proposals for introduction during the 1996 Session of the Maryland General Assembly;
- (4) Recommending administrative and programmatic initiatives and developing methods to build community awareness and support of gun safety measures;
- (5) Identifying model educational programs which may be implemented by State and local agencies and public/private partnerships to reduce the incidence of gun-related violence; and
- (6) Carrying out other duties as may be requested by the Governor under the scope of this Executive Order.

B. Composition of the Commission:

The Governor named three citizens as co-chairs for the Commission - Vincent DeMarco of Baltimore City, Director of Community Outreach for Handgun Control, Inc., Darryl A. Jones, Sr., of Prince George's County, Partner, the Advocacy Group and the Honorable Marna McLendon of Howard County, State's Attorney of Howard County. Twelve other private citizens from across Maryland were appointed by the Governor. The presiding officer of each House of the General Assembly also appointed a member of the respective body to the Commission.

C. *Work of the Commission:*

The Commission held its first organizational meeting on May 31, 1995 in Anne Arundel County. During this meeting, the Commission agreed to create three subcommittees and hold four public hearings across the State. The first formal meeting of the Commission was held on June 9, 1995 in Annapolis. At this meeting, the Commission heard testimony from Capt. L. Douglas Ward and First Sgt. Bernard Shaw of the Maryland State Police ("MSP" or "State Police") and Special Agents Karl Stankovic and Mark Kraft of the United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms ("ATF") concerning current Maryland and federal laws on obtaining and possessing firearms.

On July 18, 1995, the Commission met at The Johns Hopkins University. The Commission heard testimony from Attorney General J. Joseph Curran, Thomas Frazier, Baltimore City Police Commissioner, Lt. Mark Spurrier, Legislative Chair of the Maryland Police Chiefs Association and Member of the Baltimore County Police Department, Stuart Simms, Secretary of Juvenile Justice and former Baltimore City State's Attorney on issues of gun violence and law enforcement. Professor Susan Baker and Professor Stephen Teret, from The John Hopkins University Center for Gun Policy and Research also testified about the public health implications of gun violence.

Members of the public, law enforcement officials and elected officials also testified at the four public hearings. In all, over 200 individuals testified before and presented information to the Commission during the public hearings. The schedule for the public hearings was as follows:

July 27, 1995	Columbia
August 14, 1995	Baltimore
August 24, 1995	Hagerstown
September 6, 1995	Princess Anne

Following the hearings, the Commission held six public work sessions to hear additional presentations and to discuss and debate the information presented and arrived at the recommendations detailed in this report.

D. *Subcommittees of the Commission:*

In order to gather the information necessary to develop its recommendations, the Commission created three subcommittees to gather information in three subject areas contained in the Executive Order. Each subcommittee was chaired by one of the three co-chairs who were assisted by other commission members. Each subcommittee met several times and obtained information from members of the public and government officials concerning the subject area of the subcommittee.

1. *Subcommittee on Education and Community Awareness - Vincent DeMarco, Chair.*

The subcommittee was charged with helping to assess the scope of the problem of gun violence in Maryland's schools and to gather information related to educational programs which could be implemented by State and local agencies. The subcommittee held two meetings, on July 14, 1995 in Annapolis and on August 17, 1995 in Baltimore.

At its July 14th meeting, the subcommittee heard from Dr. Devadason, M.D., Director of Local and Family Health Administration and Robert Mullen, Director of Injury Epidemiology, Maryland Department of Health and Mental Hygiene. Dr. Devadason and Mr. Mullen provided data which indicated that of the firearms deaths in Maryland in 1993, 62% were homicides, 33% suicides, 3% unintentional, 1% legal interventions and 1% intention unknown. Dr. Devadason also testified that of the ten leading causes of death by age group in Maryland for 1993, the number one cause was intentional injury among ages 15 to 34. In 1992, Maryland tied Illinois for the 3rd highest homicide rate among males aged 15-24 with 58 homicides per 100,000 persons. The United States average was 37 per 100,000.

The subcommittee also heard from Professor Judith Bonderman, Columbus School of Law, The Catholic University of America, on the need to publicize Maryland's Child Gun Access Prevention Law. Professor Bonderman recommended the following ideas: brochures in pediatricians' offices, public service announcements, and announcements on paper grocery bags such as "Lock It Up, It's the Law." She recommended that any publicity effort be conducted through a public/private partnership. In addition, Professor Bonderman suggested that the law be regularly and consistently enforced and that there be wide publicity of prosecutions. She informed the subcommittee that Florida and California have such laws and have seen a drop in unintentional shooting deaths since their adoption. Professor Bonderman also spoke about the availability and effectiveness of childproof firearms with trigger locks, magazine safeties and load indicators.

Additionally, the subcommittee heard a presentation by Lu Morrissey, Section Chief, Drug-Free Schools Programs Section, Division of Compensatory Education and Support Services, Maryland State Department of Education on the "Gun-Free Schools Act of 1994." Ms. Morrissey also discussed suspension data and the use of the Straight Talk About Risks ("S.T.A.R.") curriculum in Maryland Forward Summer Youth Program.

The subcommittee invited Becky Schergens, Director of Safety and Education Programs for the National Rifle Association to make a presentation to the Subcommittee at its August 17th meeting. Ms. Schergens was unable to attend or to send a representative, and although staff invited Ms. Schergens to attend both this meeting and a subsequent meeting, staff never received a reply to the formal written invitation to make a presentation to the subcommittee. Nancy Fenton, Director of Educational Programs, Marylanders Against Handgun Abuse, gave a presentation to the subcommittee on the S.T.A.R. curriculum and Students Against Handgun Abuse. Next, the subcommittee heard from Elizabeth Turner, Principal of Tench Tilghman Elementary School in Baltimore City. Ms. Turner discussed a pilot program using the S.T.A.R. curriculum in Baltimore City and indicated that because of the success of S.T.A.R. at Tench Tilghman, all Southeast area schools in Baltimore City will use S.T.A.R. in the 1995-96 school year. Nancy Gannon of the Center to Prevent Handgun Violence also presented information about the S.T.A.R. curriculum. S.T.A.R. is a pre-K to 12th grade program designed to deal with violence before it begins. It has been used for 3 ½ years in New York City and Los Angeles, throughout 44 school districts and is used in tandem with Eddie Eagle in some schools. Nancy Gannon also described the S.T.O.P. program, a firearm injury counseling program for use by pediatric professionals in alerting parents to the risks associated with guns in the home, developed by the Center in conjunction with the American Academy of Pediatrics and is now being used by over 10,000 pediatric practices nationwide.

Ms. Morrissey of the Maryland State Department of Education returned on August 17th to describe the efforts of the department to gather data to help define the problem of violence in Maryland's schools. Mr. Robert Mullen, Maryland Department of Health and Mental Hygiene presented additional information in response to requests by the Commissioners.

2. *Subcommittee on Enforcement* -
Darryl A. Jones, Sr., Chair

The Subcommittee met on August 7, 1995 and September 25, 1995. At its first meeting on August 7, 1995, the subcommittee first heard testimony from Professor Brian Wiersema, of the University of Maryland, Department of Criminal Justice. Professor Wiersema shared the results of a recent study on the effect of the District of Columbia

Firearms Control Regulation Act.¹ The study concluded that the mean frequency of both suicides and homicides by firearms declined substantively in the period after the law went into effect.² Professor Wiersema also testified that according to the most recent studies and statistics, after jurisdictions relaxed concealed weapon permit laws, they experienced on average, an increase of 26% in gun homicides. In Maryland, according to Professor Wiersema and the Uniform Crime Reporting System, the greatest number of homicide mortality occurs in Baltimore City, followed by Prince George's County, Baltimore County, Montgomery County and Anne Arundel County. (See Attachment 1). Dr. Christopher Koper, a research scientist for the Crime Control Institute talked to the Subcommittee about gun enforcement initiatives. Dr. Koper performed a study in Kansas City and Dallas which showed an increase in the use of semi-automatic handguns from 28% of the handguns confiscated in 1985, to about 54% in 1993. Dr. Koper also shared results from the Kansas City Gun Experiment. The project involved an effort to crack down on the carrying of guns in high gun crime areas. For a six month period, every night between 7:00 p.m. and 1:00 a.m., extra police trained in pro-active gun detection areas patrolled certain high crime areas. During this period of time, gun seizures increased in the target areas by 65%. Overall gun crime in the areas was reduced by 45%. The study demonstrated that the gun control officers were substantially more productive than the regular field units. Any arrests made by gun patrols had to be approved by supervisory detectives not involved with the project. Before launching the project, the police gun patrols had gone throughout the community to talk about the ensuing patrol effort.

The Subcommittee also heard from Patricia Jessamy, State's Attorney for Baltimore City, Frank Weathersbee, State's Attorney for Anne Arundel County, and Steve Leevy, Deputy State's Attorney for Prince George's County. According to the State's Attorney for Baltimore City, 1,778 illegal handguns had been confiscated in Baltimore during the first seven months of 1995, and over 220 handguns were confiscated from juveniles. Based on several studies and personal experience, the State's Attorney maintained that there is a direct correlation between the introduction of "crack" cocaine and the use of semi-automatic weapons in shootings in Baltimore City. State's Attorney Jessamy proposed enlisting the public's support in reporting the possession of illegal firearms and increased mandatory penalties for possession of handguns by felons.

¹ D.C. Law 1-85 (1976); D.C. Code Annotated Section 6-2301, *et seq.* The law restricts the purchase, sale, transfer or possession of handguns to those civilians who hold registration certificates.

² Colin Loftin, Ph.D., David McDowall, Ph.D., Brian Wiersema and Talbert J. Cotty, M.S., "Effects of Restrictive Licensing of Handguns on Homicide and Suicide in the District of Columbia", *New England Journal of Medicine*, Volume 325, pp. 1615-20 (Dec. 5, 1991).

The State's Attorney for Anne Arundel County testified that there were several laws that, if modified, would assist in the prosecutions of gun related crimes. He suggested that Article 27, Section 281(a) should be modified in order to permit police to confiscate guns under circumstances where firearm is found on premises where drugs are recovered under a search and seizure warrant. Additionally, State's Attorney Weathersbee requested that Article 27, Section 36B(e) be modified so that it is unnecessary for police to demonstrate that a gun is operable.

At its second meeting, on September 26, 1995, the subcommittee heard from Captain Douglas Ward and First Sergeant Bernard Shaw concerning the scope of gun violence in Maryland under existing laws. Next, Timothy Doory, Assistant State's Attorney for Baltimore City proposed a modification of the existing reckless endangerment statute, to make it a felony when the conduct involves the discharge of a firearm. Mr. Doory testified that much can and should be done to reduce the abuse of guns.

3. *Subcommittee on Public/Private Partnerships -*
Marna McLendon, Chair

The subcommittee met June 15, July 13, August 1, August 31, September 19, September 25.

The subcommittee solicited and reviewed materials from more than 50 nationally-recognized experts and model programs in violence prevention and reduction, including the federal Centers for Disease Control and Prevention, the Center for the Study and Prevention of Violence, the Children's Defense Fund, the American Academy of Pediatrics, the National Crime Prevention Council, the National School Safety Center, and the Congress of National Black Churches.

On Thursday, June 15th, the subcommittee was briefed by Tracy Brown, Director of the Baltimore Mayor's Coordinating Council on Criminal Justice. Ms. Brown outlined a series of anti-violence programs and initiatives currently operating and planned in the city, including peer mediation, conflict resolution, and safe havens. She described the Comprehensive Communities Program in the city, which is combining the efforts of the police and other city agencies and non-profit organizations to address violence-related problems on a block-by-block level. The five more violent sectors of the target area were identified by intensive intervention. Ms. Brown said the program was creating a community conflict resolution center to help resolve neighborhood disputes before they escalate to gun violence. She said the comprehensive initiative -- and others like it -- required maximum participation from community residents and community institutions, such as churches, to be effective.

On Tuesday, August 1, the subcommittee was briefed by representatives of the Educational Fund to End Handgun Violence on the fund's program, "Hands Without Guns," a community education initiative that promotes involvement of young people in positive activities. The subcommittee viewed a series of 30-second television spots produced as part of the program's campaign in Boston, Massachusetts. The spots featured teenagers describing their fears of gun violence and their hopes for "peace" in the future. The program also includes initiatives that allow teenagers to design and implement their own anti-violence strategies, such as a youth theater group, after school programs, an anti-violence manual, a post-card against violence, and a toy gun buyback program. It was estimated that a program for Baltimore City would cost about \$200,000.

The subcommittee discussed numerous other methods of establishing public/private partnerships to reduce gun violence. Public awareness initiatives discussed included: publicizing the health care costs associated with gun violence, developing public service announcements using credible celebrities, creating calendars and posters with drawings by children, as the Baltimore County State's Attorneys Office has done in its anti-drug initiative, and requiring all handguns sold in Maryland to be accompanied by a health warning (language to be determined by the Secretary of Health and Mental Hygiene) that educates potential buyers about gun violence and the risks of firearms ownership.

With respect to schools, the subcommittee discussed the need to better publicize gun tip lines in schools and to improve, expand and evaluate conflict resolution and peer mediation programs. The subcommittee members expressed a need to expand the S.T.A.R. program, and to deal more effectively with disruptive students.

The subcommittee also discussed several programs that would increase the involvement of the medical profession in the prevention of gun deaths and injuries, including encouraging pediatricians to counsel families about Maryland's child gun access laws and the health hazards associated with keeping a gun in the home. The subcommittee heard from Dr. Modena Wilson of The Johns Hopkins University Children's Center who testified as to the importance of including firearm injury prevention counseling in the State Early Periodic Screening, Diagnostic and Treatment Program ("EPSDT"). The present EPSDT program, as part of the well child care program, provides pediatric counseling to parents on the dangers of certain hazardous or lethal items in the home. For example, pediatricians presently speak with parents about the importance of smoke detectors in the home and of keeping toxic cleaning substances away from small children. Dr. Wilson testified that if firearm injury prevention counseling was included as a part of the EPSDT program, then pediatricians would be required to counsel parents about the increased danger of keeping a loaded firearm in the house when children are present. Information on the Maryland Child Gun Access Prevention Law would also be provided.

There was also general discussion of a need to involve the business community in gun violence prevention programs, particularly in support of public awareness initiatives and providing employment opportunities to at-risk youth. (See, generally, rationale to Recommendation No. 32).

II. SCOPE OF THE PROBLEM OF GUN VIOLENCE IN MARYLAND:

According to the Maryland State Police, 719 people were killed and 16,911 people were victimized by gun related crime (murder, robbery, assault) in 1994. (See Attachment 2). As reflected in the attached table, there was a 17.7% increase in firearm involved crime during the 1990-1994 period. During 1994, there were 321 murders in Baltimore City. In 245 cases or 76% of the cases, a handgun was used. The number of gun homicides in Maryland increased significantly from 1984 to 1993, while non-gun homicides remained essentially constant. (See Attachment 3)

The Maryland Department of Health and Mental Hygiene, provided testimony that among age groups 15-24 and 25-34, intentional injuries are the leading cause of death. Professor Susan Baker at The Johns Hopkins University testified that in 1993, 40,000 people were killed by guns in the United States. Dr. Baker also testified that the presence of a gun in the home increased the risk of homicide by seven times and suicide by ten times.

Both federal and state law enforcement officials testified that the most significant challenges faced by law enforcement officials in the area of gun violence are straw purchases and secondary sales. According to the 1994 Baltimore Trace Study,³ handguns accounted for 82% of all confiscated firearms utilized in crimes. (See Attachment 4) The study also found that the primary source of firearms recovered in crimes in the Baltimore area were sold to the purchasers in the State of Maryland by Federal Firearms Licensees. (See Attachment 5) Although there was no specific information presented to the Commission that contradicted these statistics for Maryland, the Commission did receive written materials challenging the accuracy of gun trace studies.⁴

Early in its discussion of gun violence issues, it was recognized that in discussing solutions to reduce gun violence, the Commission could not hope to accomplish any meaningful change without focusing on the general issue of violence. Likewise, the problem

³ 1994 Baltimore Trace Study , United States Department of Alcohol, Tobacco and Firearms.

⁴ See, e.g., Testimony of Edgar A. Suter, M.D., National Chair, Doctors for Integrity in Research and Public Policy before Pennsylvania State Senate Committee, August 16, 1994.

of the high incidence of drug use, particularly the proliferation of crack cocaine since 1986, correlates to the increase in violence. The fundamental societal problems of poverty, unemployment and lack of family cohesiveness and values, cannot be ignored if real change is to be achieved.

Straw Purchases:

At its first meeting on June 7, 1995, the Commission heard testimony from representatives of the United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms and the Maryland State Police. During their testimony, these representatives described the serious threat posed by gun traffickers and straw purchases. Gun traffickers buy handguns and sell them illegally to ineligible buyers such as felons, minors, or others who want to purchase guns that cannot be traced back to them. Often gun traffickers employ "straw buyers" to make purchases. In a "straw purchase" transaction, an individual who may legally purchase a firearm is hired to purchase firearms for an individual who is either prohibited by law from making the purchase or does not want to be traced. If the firearm is later recovered in a crime and traced, and the straw purchaser says it was stolen, sold, or otherwise transferred without record, the perpetrator of the crime remains anonymous. According to the 1994 Baltimore Trace Study, firearms are being purchased 1, 2 and 3 at a time by straw purchasers.⁵ Based on surveillance and arrest reports, the Study concluded that Baltimore's illegal acquisition of firearms utilized by criminals in violent crimes and narcotics crimes are procured through straw purchases.

Secondary Sales:

In Maryland, all persons purchasing new or used firearms from a licensed firearms dealer are required by law to complete an "Application to Purchase or Transfer" ("Form 77R").⁶ A Form 77R (see Attachment 6) identifies the purchaser and type of firearm purchased. Once the Form 77R is completed it is sent by the dealer to the Superintendent of the State Police by certified mail. The Superintendent has seven (7) calendar days during which the State Police must investigate the background of the purchaser. The State Police check motor vehicle administration records for DWI offenses, NCIC and MILES records for any previous criminal violations, warrant records to determine if the individual is a fugitive from justice, and for any previous criminal violations. If the individual is in violation of the

⁵ *Id.* at 12. The study also found that two large volume gun dealers in the Baltimore area were the source for more than 25% of the recovered firearms.

⁶ Annotated Code of Maryland Article 27, Section 442. This requirement has been Maryland law since 1967.

affidavit on the form, she or he is charged with the misdemeanor of falsifying an application which carries a penalty of three years and a maximum \$5,000.00 fine.

If the Form 77R is "not disapproved" at the conclusion of seven days, the dealer may complete the transaction and release the firearm. The seven day period begins from the date of mailing the form, and is the maximum amount of time that an individual must currently wait in Maryland in order to purchase a firearm. Even if the State Police have not completed the investigation at the end of the seven day waiting period, the purchaser is free to take possession of the firearm. Many dealers do try to wait, however, until the dealers have completed their check. The State Police further testified that if an applicant had no criminal record or that a record of arrest showed dispositions, it could complete the check within the required time. If, however, arrests were noted but lacked a final disposition, completing the check would take longer than seven days. The State Police testified that under current Maryland law, there is no way for the State Police to expedite the flow of the Form 77R to afford more time to perform the background check.⁷

Those persons who purchase a regulated firearm from a seller other than a licensed firearms dealer, such as from another individual or at a gun show, are not currently required to complete a Form 77R or to wait seven (7) days for any form of background check by the State Police. Although individuals purchasing firearms through secondary sales can voluntarily complete a 77R, in 1994, only around 4,000 individuals voluntarily completed 77Rs, as compared with 41,526 individuals who purchased a firearm from a licensed firearm dealer and who were, therefore, required to complete a 77R. The State Police estimate that secondary sales of firearms are at least equal to the annual number of firearms sold by licensed firearms dealers. The Superintendent of the State Police is responsible for maintaining records of all completed sales of firearms from licensed dealers within the State. The data on gun sales is incomplete because there is little information on private sales.

The availability of more used weapons in the market place exacerbates the problem identified with secondary sales. The 1994 Baltimore Trace Study demonstrates that 1,303 of the firearms confiscated between April 1, 1993 and March 31, 1994 were at least 7 to 8 years old.⁸

⁷ In 1995, the House Judiciary Committee rejected legislation that would have permitted licensed firearm dealers to send completed 77Rs to the State Police via facsimile.

⁸ 1994 Baltimore Trace Study, at page 14.

III. ISSUES AND RECOMMENDATIONS:

At its four public hearings across the State, many witnesses testified that law abiding citizens should be permitted to own a gun for their own protection, and that, in their view, existing laws concerning firearms are not uniformly enforced and/or prosecuted across Maryland. Additionally, the Commission heard from families of victims of gun violence who urged the Commission to try and understand the immense personal impact of gun violence. The Commission members agreed that their mission to find solutions to reduce gun violence involved making recommendations that do not unduly burden lawful gun owners, but keep guns out of the wrong hands and out of the illegal market. Accordingly, the Commission clearly and unanimously rejected any recommendations to ban all handgun sales or to further restrict the use of firearms for lawful purposes (i.e., hunting, sport shooting, etc.). The first group of recommendations made by the Commission urge the Governor to press for more vigorous enforcement of existing laws, as described below.

A. *Enforcement of Existing Laws:*

Recommendation No. 1: *Expand Operation Cease Fire in Baltimore City. (11-0).*

Rationale: On April 27, 1995, the Maryland State Police announced the formation of the Cease Fire Unit and the commencement of Operation Cease Fire, an illegal firearms interdiction program. Under Operation Cease Fire, members of the Maryland State Police are trained to identify illegal gun runners or other individuals who may possess illegal firearms. Operation Cease Fire has yielded tangible results and the Commission heard testimony about the success of the Cease Fire Unit. Based upon the success of the Unit, the Commission unanimously recommended that Operation Cease Fire be expanded in Baltimore City.

Recommendation No. 2: *Recommend increased enforcement of child safety laws, including the education of police officers about violations of the law. (7-3).*

Rationale: During their deliberations, members of the Commission expressed concern about lack of awareness about Maryland's existing law on Child Gun Access Prevention. Under Article 27, Section 36K of the Annotated Code of Maryland, storing or leaving loaded firearms where an unsupervised minor can gain access is a misdemeanor. Commissioners heard testimony

that there may be a general lack of awareness among police officers about the law, and that through training mandated or recommended by the Maryland Police and Correctional Training Commission, the police could increase the awareness of officers who may be investigating other incidents in homes and come across guns accessible to children during the course of the investigation. A minority of the Commissioners were concerned about how the statute would be enforced, and thought that the Commission should stay out of this issue.

Recommendation No. 3: *Require gun purchasers to sign a statement acknowledging having read Maryland's Child Gun Access Prevention Law at the time of the sale. (7-2).*

Rationale: Consistent with preceding recommendations, the Commission concluded that the Child Gun Access Prevention laws are so important that this recommendation should be implemented. In addition, since the persons who purchase and/or own guns are most likely to face compliance issues with respect to the law, this type of information exchange should be helpful. This recommendation should be helpful to law enforcement personnel charged with enforcing the Child Gun Access Prevention laws.

Recommendation No. 4: *Establish a procedure through the Department of Mental Health and Hygiene to enforce the current prohibition on individuals with a mental disorder from accessing firearms. Have state law match federal law for prohibition on the sale to an individual who has been committed to a mental institution. (10-2).*

Rationale: Under current Maryland law, Article 27, Section 442, of the Annotated Code of Maryland, an individual shall be denied a handgun if they have been involuntarily committed to a mental institution for a period of at least 30 days. The Commission heard testimony from the Maryland State Police that despite the existence of the prohibition, there is currently no mechanism in place to permit the State Police to effectively enforce existing law. The only way that State Police can discern when an individual has been involuntarily committed to a mental institution is when the individual or their psychiatrist discloses the hospitalization.

In Maryland, for an individual to be involuntarily committed, he/she must first be offered voluntary commitment and refuse such commitment. Under Maryland law, an individual must be involuntarily committed for at least 30 days to be denied the ability to purchase a handgun. Under current federal law, involuntary commitment for any period of time is sufficient justification to deny an individual access to a firearm. The Maryland State Police presently deny handguns under both Maryland and federal waiting period laws.

The Commission considered the privacy implications of the disclosure of such intensely personal information and concluded that the Maryland Department of Health and Mental Hygiene, working with the State Police, should be able to implement a system to enable Maryland's law enforcement community to enforce Maryland's existing law in a manner consistent with due process concerns as well as State and federal Constitutions.

A minority of the commission was concerned about the constitutionality of obtaining this information.

Recommendation No. 5: *Recommend to the Governor that he recommend to the State's Attorneys that they vigorously prosecute viable gun offenses. (8-3-0)*

Rationale: The Commission heard testimony from many citizens and law enforcement officials who were frustrated with the punishment of individuals charged with gun crimes.⁹ The Commission wanted to ensure that gun crimes were taken seriously by prosecutors and that criminals were punished for these crimes when supporting evidence is available.

⁹ See testimony of Jim Fotis, Executive Director, Law Enforcement Alliance of America, September 9, 1995.

B. Tougher New Laws:

Recommendation No. 6: *Make disarming a police officer a separate crime. (11-0)*

Rationale: All Commissioners who spoke on this issue thought that the problem of disarming police officers is particularly "outrageous." The Commission believes that enacting legislation to create a separate offense for the act of disarming a police officer was an important message to potential criminals about the gravity of disarming the very law enforcement officers who are responsible for keeping our communities safe.

During its public hearings, the Commission heard testimony about the problem of police officers being disarmed by criminals and subsequently shot with their own weapon. Although the incidences of this type of crime are relatively small, shooting a police officer is currently classified as either assault with intent to murder, attempted murder or in the case of a fatal attack, murder.

Recommendation No. 7: *Make jail mandatory if possession [of a firearm] is by a felon or when there is a theft of a firearm. (7-2-1)*

Rationale: According to the Baltimore City Trace Study conducted by the ATF, the number one problem with respect to firearms in Baltimore City is the straw purchase of firearms. That same study demonstrated that the number two problem with firearms in Baltimore City was theft of firearms. Commissioners believed that the mandatory nature of sentences associated with this crime would address the criminal use of handguns. A minority of commissioners opposed this recommendation based upon their opposition to mandatory sentences generally and a belief that the role of the judiciary is to apply sentences to fit the crime in question.

Recommendation No. 8: *Recommend that the discharge of a firearm from a motorized vehicle have enhanced penalties. (10-0)*

Rationale: This recommendation, made by an Assistant State's Attorney from Baltimore City, responds to the challenges posed by "drive-by" shootings. This recommendation would change Article 27, Section 120 of the Annotated Code of Maryland to include "drive-by" shootings in

the reckless endangerment statute. Under current law, an individual discharging a firearm from a motorized vehicle (moving or stationary) would only be charged with the criminal act of assault, assault with intent to murder, manslaughter or murder, depending upon the severity of the injury. The Commission believes that although relatively few drive-by shootings occur in Maryland, the concept is so serious and threatens the health and safety of the citizens of Maryland as to justify a higher penalty. The intent of the recommendation is to create a separate offense for the mere act of discharging the firearm from a motorized vehicle.

Recommendation No. 9: *Give a five year mandatory sentence for possession of a firearm used in the commission of a crime, ten years when displayed and twenty years when discharged. (7-3)*

Rationale: Under current Maryland law, Section 36B(d) of the Annotated Code of Maryland, use of a handgun in the commission of a felony or crime of violence presently carries a penalty of 5-20 years for the first offense and has a mandatory minimum. The Commission's recommendation would expand the definition to cover possession, display and discharge and create a mandatory minimum of 5 years for possession, 10 years for display and 20 years when discharged. The Commission wants to see the law toughened and believes that by using mandatory sentences when a firearm is involved in a criminal act, the penalty will act as a stronger deterrent. The Commission also believes that an increased penalty will underscore the seriousness of using a firearm in a criminal act. Additionally, the Commission heard numerous testimony from individuals stating that they want violent criminals charged with violent crimes and gun offenses to be punished to the fullest extent of the law and forced to serve the maximum term of jail sentencing.¹⁰

¹⁰ See testimony of Jim Fotis, Executive Director, Law Enforcement Alliance of America, September 9, 1995.

The minority of the Commission members cited general arguments against mandatory minimum sentences, including: they tend to increase racial disparity in sentencing, they could cost tens of millions of dollars to build and operate new prisons, they substantially shift sentencing discretion from judges to prosecutors, and that they do not act as deterrents because few violent offenders consider the consequences of their acts.

Recommendation No. 10: *Make it a felony to sell or give a firearm to a minor to be used in criminal activity; create a separate crime for an adult that uses a juvenile in an illegal gun transaction. (9-0)*

Rationale: The Commission heard testimony from the State Police and Pat Jessamy, Baltimore City State's Attorney that juveniles are often enticed by adults to engage in criminal activity and/or participate in illegal gun transactions. The rationale for this use of juveniles is the perception, and likely the reality, that juvenile offenders are subjected to more lenient sentences than are adult perpetrators of identical crimes. In making this recommendation, the Commission indicated their belief that the passage of this provision was intended to send a message reflecting the seriousness of the offense. In addition, under Article 25 Section 445 of the Annotated Code of Maryland, giving a firearm to a minor to be used in criminal activity is only a misdemeanor. The Commission believes that the seriousness of this offense requires that the offense be a felony, and not a mere misdemeanor.

Recommendation No. 11: *Require an individual to forfeit their automobile if it is determined that the automobile was involved in a violent crime with the use of a handgun. (9-0-1).*

Rationale: Commission members discussed the inability to enjoin criminal activity and that forfeiture laws serve as a deterrent. In adopting this recommendation, the Commission observed that although the number of violent crimes committed with handguns and involving automobiles is not clear, potential perpetrators could understand that if they were involved in such an offense that they would forfeit everyday conveniences, such as an automobile. Thus, the Commission believes that even if a criminal could not understand the implications of using a

handgun in a crime, the addition of the possibility of forfeiture of their automobile to the calculus, could cause some potential criminals to pause before committing a violent crime. There was no dissent expressed on this issue.

Recommendation No. 12: *Amend Art. 27 Sec. 281A "Use of Weapon as a Separate Crime" to include "possession of a firearm under sufficient circumstances to constitute a nexus to the drug trafficking" in order to cover circumstances where firearm is found on premises where drugs are recovered during execution of a search/seizure warrant. (7-2).*

Rationale: During its deliberations, the Commission had several lengthy discussions about the role of drugs in gun violence in Maryland. The Commission concluded that there was ample evidence of a nexus between the use of firearms and drug trafficking to warrant adoption of this recommendation.¹¹ This recommendation, made by an Tim Doory, Assistant State's Attorney from Baltimore City, seeks to punish those persons who are clearly proved to have possessed a firearm in a manner where there was a nexus between the possession of the firearm and drugs recovered in connection with a valid search/seizure warrant.

The minority view argued that the existence of a firearm in a drug-related transaction is already punishable and that codification of this recommendation could make the mere possession of a firearm a crime when drugs are involved. The minority also stated that a bill to add possession was rejected by the House Judiciary Committee by a vote of 17 to 3 during the 1995 General Assembly Session.

¹¹ See, e.g., testimony of Larry LaGuardia, President, Howard County Rifle and Pistol Club, Hagerstown, Maryland Public Hearing, August 24, 1995.

Recommendation No. 13: *Amend Art. 27 Sec. 36B(e) "Unlawful Use in Commission of Crime" to change the definition of a handgun so that it is not necessary to demonstrate that a gun is operable. (10-0).*

Rationale: This recommendation was originally made by the State's Attorney for Anne Arundel County. Under current law, the burden of proof is on the State to demonstrate that a handgun was "operable" and capable of being fired at the time the crime in question was committed. The Commission heard testimony that this issue is critical in the prosecution of crimes involving the use of a handgun and this poses an extra element of proof for prosecutors. Moreover, some Commissioners stated that it was irrelevant to a crime victim, who believed that the handgun was real and capable of being fired, whether the weapon was operable or not. In other words, the impact intended by the criminal and felt by the victim is the same irrespective of whether the handgun was actually operable. Accordingly, the Commission concluded that the proof that the handgun was operable was essentially irrelevant to the criminal act in question and voted to recommend elimination of this element of proof.

Recommendation No. 14: *Reclassify the illegal sale, purchase, transport, transfer or receipt of a regulated firearm to a felony (would also eliminate 1 year statute of limitations on these types of violations). (7-1-2).*

Rationale: The Commission heard testimony from the State Police that one of the obstacles encountered by law enforcement officials is the significant number of violations of Article 27, Section 36B of the Annotated Code of Maryland that go unprosecuted because of the relatively short one year statute of limitations period. This problem is particularly acute in the areas investigated by the Cease Fire Unit of the Maryland State Police, which often does not learn about a violation of law until after one year has passed. After the expiration of the statute of limitations, an individual who illegally sells, purchases, transports, transfers or receives a regulated firearm cannot be prosecuted, notwithstanding the fact that

the law was in fact violated.¹² Other Commissioners expressed concern that because violation of the current law is only a misdemeanor, a convicted violator is still eligible to purchase a firearm despite concrete evidence of past violation of existing firearms laws.

In adopting this recommendation, the Commission concluded that in an era of limited financial resources coupled with increasing criminal activity, law enforcement officials could use additional time to prosecute these criminal acts. Accordingly, the Commission voted to reclassify this offense as a felony which would extend the one year statute of limitations indefinitely.

The minority vote was concerned with expanding the number of felonies beyond those traditionally constituting felonies in Maryland and with the number of sales that actually take more than one year to track down.

Recommendation No. 15: *Deny the purchase of handguns to persons who have been subject to a non - ex parte civil protection order for a period of 2 years from the date of the order. (10-0).*

Rationale: The Commission agreed that persons who are involved in a domestic or other dispute in which violence was used or threatened should not be able to purchase a handgun. The restriction would apply with the issuance of a non-ex parte civil protection order and extend for a period of two years to allow the parties to "cool off." Several Commission members noted that ex parte civil protection orders are sometimes easy to obtain and that the restriction should not be imposed until the parties are afforded a hearing on the issue.

¹² A "regulated firearm" is defined in Article 27, Section 443(a) as any firearm required to be registered under Section 442, which includes a pistol, revolver or an assault weapon defined in Section 481(e).

Recommendation No. 16: *Authorize the confiscation of firearms from domestic/child abusers during the pendency of civil protection orders (check - off box, as one of the specific remedies which can be ordered by a judge). (9-0).*

Rationale: The Commission was unanimous that this was an important public policy. The Commissioners believe that once a civil protection order is issued, the period immediately following its issuance, which often follows an arrest or other incident, is the time that the victim and or his/her children are most in danger of falling victim to gun violence.

Recommendation No. 17: *Incorporate federal law "reasons to deny a handgun" into State law. (7-2-0)*

Rationale: Under federal law, if a person is convicted of any misdemeanor that carries more than a two year term of imprisonment, they are prohibited from owning a firearm. There are approximately 90 misdemeanors in the State of Maryland that trigger this prohibition. Once an individual is convicted of such a misdemeanor, under federal law, she or he may no longer purchase or possess a firearm.

Recommendation No. 18: *Ban the sale of assault rifles and high capacity gun magazines (more than 10 rounds) whose manufacture is barred by federal laws. (5-3-2)*

Rationale: The United States Congress has determined that assault rifles and high capacity gun magazines are a threat to public safety, and therefore their sale should be banned in the State of Maryland. The Commission's intent is to track federal law and provide the same exemptions for Maryland Law Enforcement Officers.

C. *Reduce Straw Purchases:*

(NOTE: See discussion concerning straw purchases generally at page 9).

Recommendation No. 19: *Duplicate Federal laws on straw purchase into State laws to permit easier prosecution at a local level. (11-0).*

Rationale: The Firearms Unit of the Maryland State Police testified that uniform federal and State laws would make its job easier. In addition, Commissioners observed that because the federal government does not have adequate resources to prosecute all violations of federal firearms laws, some actual violations of federal firearms laws go unprosecuted. Maryland law governing firearms is not identical to federal law on this subject. For example, Maryland prosecutors are unable to prosecute those offenses that are not prosecuted by the federal government (for whatever reason), yet still constitute violations of law and therefore, are criminal acts. It was the sense of the Commission that adopting this recommendation would make the prosecution of straw purchase laws easier in Maryland. There was no dissent on this issue.

Recommendation No. 20: *Limit the purchase of handguns to "x" per month. (9-1-2). ("x" equals a number to be determined later.)*

Rationale: (See Rationale for No. 21)

Recommendation No. 21: *One Handgun Per Month. (7-3-2)*

Rationale: Enactment of legislation that limits an individual to purchasing one handgun per month in Maryland. The purpose of a "One Gun A Month" law is to reduce high volume multiple sales, a hallmark of gun trafficking. In a jurisdiction that has no limit on the number of guns that an individual can purchase at any given time, a gun trafficker can recruit a few straw buyers to purchase large volumes of handguns in a limited number of transactions. The gun trafficker can then resell the handguns on the black market at great profit.

Maryland's neighboring state, Virginia, enacted a "One Gun A Month" law in July 1993. Prior to enactment of this law, Virginia was widely viewed as the firearms supermarket of the East Coast. For example, in 1992, 26% of the crime guns traced to New York City originated in Virginia -- more than any other State. Following enactment of the law, Virginia dropped from first to ninth as the leading source state for crime guns. At an August 1995 meeting of the Virginia State Crime Commission Law Enforcement

Subcommittee meeting, Captain R. Lewis Vass of the Virginia State Police testified that although Virginia was no longer considered a "source" state, Maryland was now considered a source state for crime guns.

The Commission believes that the purchase of one gun per month is a reasonable limit on the number of firearms any one person could need. Moreover, the Commission was presented with a recent study by the Center to Prevent Handgun Violence that demonstrates the efficacy of "One Gun A Month" laws. Although a minority of the Commissioners argued that relatively few buyers are affected by this restriction, as reflected in data presented to the Commission by the State Police, these few buyers are purchasing a significant volume of guns, and therefore, this provision is significant. For example, in 1994, 71 people purchased 1,115 guns.

A minority of the Commissioners argued that collectors, sportsmen, hunters and legitimate gun owners should be able to purchase as many guns as they want, when they choose, free of government restrictions. They also stated that federal law already requires the reporting of multiple purchases of guns, and that this should be sufficient, or in the alternative, our present application could be modified to include the specific weapon(s) to be purchased. Therefore, the Maryland State Police would be on immediate notice of a potential "straw" purchase. The minority believes that data showing how many multiple purchase guns were for legitimate ownership, rather than for criminal enterprise, is totally lacking, making one gun per month arbitrary and not substantially affecting straw purchases.

Recommendation No. 22: *Exceptions to the limit on purchases of handguns should be considered for gun collectors and others. (12-0).*

Rationale: The Commissioners were in agreement that certain limited categories of lawful gun owners, such as gun or antique collectors, should be exempted from a limit on the purchase of handguns. It was the sense of the Commission, therefore, that such collectors should be able to seek exemption from the normal limitations on handgun purchases that the Commission believes should be incorporated into Maryland law.

D. Reduce Illegal Sales/Transfers of Firearms:

Recommendation No. 23: *Treat all transfers of ownership of handguns in like fashion. (10-2)*

Rationale: Current Maryland law requires all individuals who seek to purchase or transfer a pistol or revolver from a dealer to pay a \$10 application fee and complete an "Application to Purchase or Transfer" ("Form 77R"). The dealer must then wait seven days from the time of forwarding the Form 77R to the Superintendent of State Police to sell or transfer a revolver to the purchaser or transferee.

When the Superintendent receives a Form 77R, he must investigate the truth of the assertions made in the application. The Superintendent must then give notification within seven days of receipt of the application of his approval or disapproval. The Brady Bill does not apply in Maryland because Maryland already has the seven day waiting period.

If the application is approved, and a sale or transfer takes place, the dealer is responsible for forwarding within seven days written notification of the completed transaction, which includes an identifying description of the pistol or revolver sold, to the Superintendent. The Superintendent is then required to keep a permanent record of all completed sales and transfers of pistols and revolvers within the State.

The Commission heard testimony from many law enforcement officials who stated that straw purchases (in addition to secondary sales) were a major problem in controlling gun violence. By requiring the completion of a Form 77R for all transfers, the Commission felt there would be an upward deterrance to prevent straw purchases.

The purpose of the recommendation is to make sure that private sales are registered and regulated in the same manner as dealer sales of handguns. Section II above described how unregulated secondary sales are a significant source of crime guns in Maryland.

Recommendation No. 24: *Have the Governor consider some form of licensing and registration system for the purchase of a handgun. (6-5-1).*

Rationale: Testimony from citizens, law enforcement officials and evidence contained in the Baltimore Trace Study and other documents demonstrate that straw purchases, secondary sales, and untrained gun owners are significant contributing factors in criminal gun activity and accidental deaths. Many Commission members believe that these issues need to be addressed and prevented by requiring extensive identification, investigation and proof of training at the time of transfer or purchase of a firearm. Several licensing schemes were discussed among the Commission members as a means of addressing these issues.

A presentation on the proposed Firearms Identification Card ("FOID Card") system was made by John Collins, Chief of Police, University of Maryland - Baltimore. The FOID Card system would require the use of a photographic identification card to be presented at the time of purchase of a firearm and again when a firearm is picked up. Chief Collins testified that the issuance of this card included, at a minimum, a comprehensive background investigation and a criminal history fingerprint check. Additionally, a transferor would be required to verify that the card is still valid. To obtain the card, the individual must be able to demonstrate that s/he has received training and is proficient in gun safety. A seven-day waiting period would still be required before a purchase is completed under the FOID card system.

Concerns were raised by the Commission members of how the police were to keep the records current and the due process implications, and other problems that may arise when the police needed to take away a FOID card from an individual. The problems identified in keeping the records current included both mechanical problems in getting access to the information and keeping it current, and the general policy of giving out criminal information to the public.

Concerns were also raised that a previous bill was introduced to the General Assembly, which would have required fingerprinting and licensure of all individuals who attempted to purchase a handgun or ammunition, had a fiscal note attached to this bill which include an initial startup cost for such a system of approximately \$6 million. A less comprehensive program should be less costly. Many commission

members were concerned that although Chief Collins' presentation only concerned the use of a FOID card system for the purchase of handguns, and did not cover ammunition purchase or sale, the amount of the fiscal note would remain about the same or increase due to the additional costs of training and a mental health check.

Recommendation No. 25: *That the Governor propose for the 1996 legislative package a licensing and registration system to cover handguns and handgun ammunition. (6-4).*

Rationale: The Commission recommended that the Governor propose a handgun licensing and registration system in his 1996 legislative package for the following reasons:

To screen out through modern technology prospective handgun purchasers who attempt to use false identification to obtain a handgun.

To deter straw purchases. Section II above describes how straw purchases are a significant source of illegal guns in our State. The Commission believes that requiring prospective handgun purchasers to go through a licensing process would help deter straw purchasers.

To provide a workable system for regulating and registering secondary sales. Section II also describes how secondary sales are a significant source of crime guns.

To allow for training and other means of educating prospective handgun purchasers.

The Commission did not, however, wish to limit the Governor to any one particular form of licensing system, such as the FOID card, which was rejected by this Commission.

Recommendation No. 26: *Make a recommendation to the Governor to request funding and for the State of Maryland to require definitive identification and to include modern technology as it becomes available. (10-1).*

Rationale: Accurate identification of applicants will assure handguns are not sold to felons. This will also assist in trace studies and enforcement.

The Commission heard testimony as to the necessity of technology to aid the law enforcement officials and dealers in identifying the individuals and guns being purchased. Under the Brady Bill, all states will be required to update their technology to meet federal reporting requirements. The Commission did not want to suggest to the Governor something which the State could not fund nor something which would soon be replaced with better technology before the actual implementation. In keeping with the rejection of the FOID card, the Commission felt a need to provide law enforcement officials with the most up-to-date technology to help them battle gun violence and abuse of gun laws.

Commission members stated that the present system being performed by the State Police after the completion of a 77R application was satisfactory, but that the fingerprinting and the cost of the institution of a FOID card system far outweighed the benefits it would provide to the police and the citizens. Under existing law, the police can request that additional pieces of identification be shown before the purchase of a firearm. Thereby, it was a recommendation that tighter provisions be added for buyer identification.

The majority of the Commission members agreed that there were benefits to some form of licensing procedure (see discussion above), but that they did not want to pigeonhole the Governor into one particular form of registration or licensing scheme. The Commission took a vote on the FOID card and it did not pass. As one alternative, Commission members cited testimony from law enforcement officials about the possibility of requiring every person to go to a dealer to trade or purchase a gun. The Commission also noted that new technology was going to be required for State Police to comply with federal law in the near future, and that the usage of this new technology may help meet the needs identified by the Commission.

Recommendation No. 27: *Require all persons who purchase handguns to receive appropriate training in gun safety through programs approved by the Maryland State Police before they can purchase a handgun, unless person(s) provide certification of previous training approved by the State Police. (7-2).*

Rationale: There was agreement among Commission members that based on the information contained in the record and the testimony provided at the public hearings that a requirement for the training and demonstration of proficiency in the use of a firearm would help prevent accidents and reduce suicides.¹³ Through training gun owners would also learn how to ensure that handguns are stored and used properly by their owners. It was understood that current Maryland law enforcement officers, having already met required Maryland Police Training Commission firearms training, would be exempt from this requirement.

Recommendation No. 28: *Authorize dealers to fax applications to purchase handguns to the State Police. (9-0-0)*

Rationale: The Commission concluded that authorizing dealers to fax applications to purchase handguns to the State Police would expedite the process of background checks. Expediting the processing of applications would also serve to reduce the number of applications that are approved simply because the time permitted by law (seven days) for the processing of the application has expired.

¹³ See "Effects of Restrictive Licensing on Handguns on Homicide and Suicide in the District of Columbia," Colin Loftin, Ph.D., David McDowall, Ph.D., Brian Wiersema and Talbert J. Cotty, M.S., *New England Journal of Medicine*, Volume 325, pages 1615-1620 (Dec. 5, 1991). The results of the study stated that in Washington, DC, the adoption of the gun-licensing law coincided with an abrupt decline in homicides by firearms and suicides by firearms. See also, testimony of John Pepper, August 24, 1995, Public Hearing, Hagerstown, MD and submission of excerpt from book entitled "Next of Time"; Kates, Schaffer, *et. al.* "Guns and Public Health: Epidemic of Violence or Pandemic of Propaganda?" 62 *Tenn. L. Rev.* 513 (1995), citing the historical mission of the National Rifle Association as a "group devoted to sports and citizen military preparedness."

Recommendation No. 29: *The Commission recognizes that the high levels of gun violence in Baltimore City and other urban jurisdictions require local responses. Therefore, the Commission recommends that Governor Glendening support legislation to give Baltimore City greater autonomy in the regulation of handguns by exempting the City from the State pre-emption or legislation that would provide for more stringent regulation in Baltimore City. (7-2).*

Rationale: The Commission adopted this recommendation at the urging of Mayor Schmoke of Baltimore City to the Governor's Commission.

E. *Education/Public Awareness*

Recommendation No. 30: *Increase public awareness of current Child Gun Access Prevention laws. For example, notices on grocery bags, through gun dealers and on book covers. (10-0)*

Rationale: Notwithstanding concerns about enforcement issues, the Commission unanimously agreed that it was important to increase public awareness about the existing Child Gun Access Prevention Laws. Like other messages conveyed on grocery bags to parents and on book covers to children, the Commission felt that by working with grocery stores and providers of book covers, they could reach most of the target audience. The Commission also concluded that a reminder of some sort at the places where guns are purchased, such as gun dealers, could reinforce the need to comply with the Child Gun Access Prevention laws.

Recommendation No. 31: *Recommend the establishment of an anti-violence curriculum for schools as part of a comprehensive health and safety program and use the National School Safety Center as a possible resource for the development of such curriculum. The final determination of the implementation of the curriculum will be up to the local Boards of Education. (8-2)*

Rationale: The Commission heard extensive testimony about the problems of children and gun violence. In particular, the Commission heard from the families of young victims of gun violence as well as other citizens who decried the

problems of guns and young people. The Commission concluded that in order to encourage young people to resolve their difference in ways that do not involve firearms, and to change societal attitudes about the use of guns in conflicts, that it was important to start educating children about the dangers and avoidance of situations involving firearms. The Commission therefore recommended that an anti-violence curriculum be incorporated-- into local education programs.

In making this recommendation, the Commission was mindful of the burdens placed upon educators and educational systems and did not want to unduly burden Maryland's educational system. The Commission heard testimony about how an anti-violence curriculum could be incorporated into existing health and safety or other traditional and existing curriculum in the schools at little or no additional cost, other than to train a resource teacher who could then instruct other teachers in anti-violence curriculum. The Commission also recognizes that there are clear differences in how Maryland's political subdivisions educate their young people. Accordingly, while the Commission strongly recommended the establishment of an anti-violence curriculum in all of Maryland's schools, the Commission recommends that the implementation of an anti-violence curriculum be left up to the local Boards of Education. Finally, the Commission did not recommend any specific educational program, but rather, in making this recommendation, the Commission expects that the State Board of Education would be involved in developing the appropriate curriculum as well as a model for its implementation.

A minority of the Commission was concerned about mandating additional requirements for educators as well as imposing a statewide curriculum, given the variances in local schools across the State. The minority was also concerned about the cost of any educational programs.

Recommendation No. 32: *Recommend the implementation of a long term, statewide media awareness campaign to prevent gun violence to be financed by the private sector and/or public partnership.*
(8-2)

Rationale: The Commission made it clear during the deliberations on this recommendation that they did not expect the State to fund these messages and that this should not be a political issue. The awareness of gun violence and means of prevention should not be given from a one-

sided viewpoint, but should be open to all with an anti-violence message. No specific political agenda was recommended or expected to be produced through this recommendation. In making this recommendation, the Commission made clear its view that public funds should not be expended to implement this recommendation. The Commission also stated that this was not a political issue, but rather that the message the Commission sought to advance should be one of anti-violence and should not take a political tone.

Recommendation No. 33: *Recommend that firearm injury prevention counseling become a part of the State EPSDT [Early and Periodic Screening Diagnostic and Treatment Program] program.*
(7-3)

Rationale: As a regular part of pediatric medical practice, pediatricians currently counsel parents on the dangers of certain hazardous or lethal items. For example, as part of the well child care program, parents are counseled by their family pediatrician about the importance of having smoke detectors in their homes and of keeping toxic cleaning substances away from small children. In making this recommendation, the Commission believes that pediatricians, like other educators, can help parents understand hazards that their children may encounter. Accordingly, the Commission recommended that pediatricians counsel parents about childhood gun injury hazards, for example, that a loaded firearm in the home is a danger to children, and that such counseling be added to the package of services expected of EPSDT providers. This recommendation is made in conjunction with the Commission's other recommendation concerning ways to improve information about Maryland's Child Gun Access Prevention law.

A minority of the Commission was concerned about the legal implications for a doctor who either failed to counsel a parent about the dangers of a loaded firearm in the home, or who failed to counsel a parent properly and then a child was shot.

Recommendation No. 34: *The Governor should encourage the manufacture of handguns that are equipped with safety features. (8-2)*

Rationale: The Commission heard numerous individuals testify to the number of accidental deaths and injuries involving firearms.¹⁴ The Commission also heard from Professor Steve Teret of Johns Hopkins University, regarding the ease with which a safety mechanism can be attached to handguns. In an effort to reduce accidental deaths, suicides, and injuries to children, the Commission recommended that the Governor encourage the manufacture of handguns with safety features. (See also discussion of recommendation #27, *infra*.)

F. Data Collection

Recommendation No. 35: *Establish a central repository for firearms injury data including the number of injured persons and medical costs. (7-2)*

Rationale: Professor Wiersema of the University of Maryland, Department of Criminal Justice testified before the Commission that there is little information in Maryland or nationally on the nature, the magnitude or the costs associated with injuries inflicted by firearms. Although there is a statute in Maryland that requires reporting of injuries by firearm, there is no data collection associated with the requirement.

¹⁴ See The Carter Center, "Not Even One," a report on the crisis of children and firearms, February 23-25, 1994.

Recommendation No. 36: *Establish a central repository for data and more information on those persons who use guns for self-protection based on data available to police. (9-0)*

Recommendation No. 37: *Recommend that the Governor establish a central administrative locus for the coordination of an anti-violence initiative including statistics gathering, coordination of State agencies, and media campaign. (8-2)*

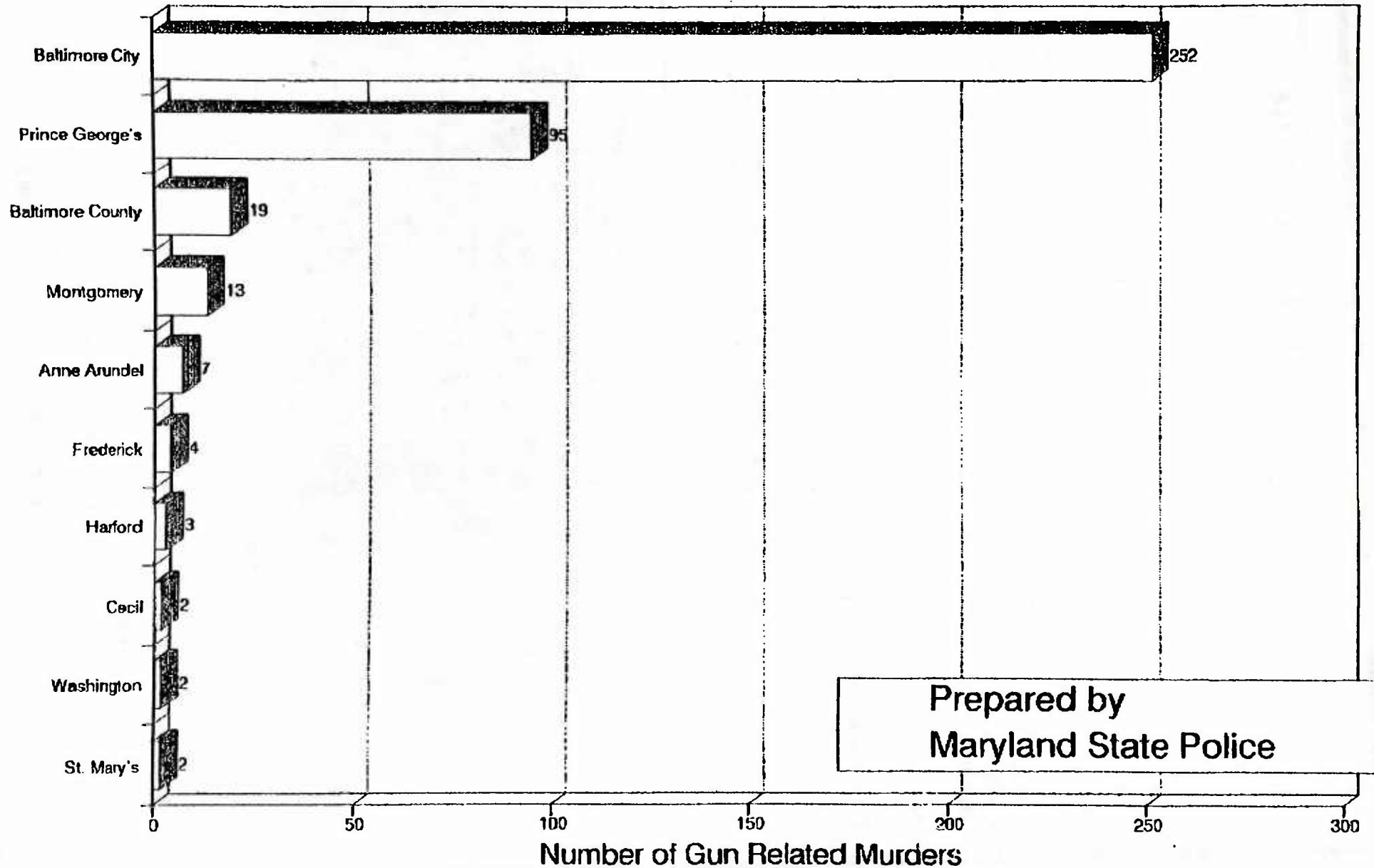
Recommendation No. 38: *Recommend that a central repository be devised to obtain information on sentencing, plea bargaining, and the general disposition of cases after arrest. (i.e., who is going to jail, what charges are dropped most often). (9-1-0)*

On October 30, 1995, at their final meeting, the Commission unanimously agreed to forward the contents and findings of this report to Governor Parris N. Glendening and that this report accurately reflects the deliberations and recommendations of the Governor's Commission on Gun Violence.

The Commission would like to thank the hundreds of individuals who gave their time to travel and testify at our meetings. We also wish to recognize the tremendous commitment on the part of the Governor and Lt. Governor's staff for a very difficult task and thank them for their time and support.

Gun Murders - Top 10 Jurisdictions

1994 Uniform Crime Reports Data



Prepared by
Maryland State Police

June 5, 1995

Firearm* Related Crime

State of Maryland
1990 - 1994

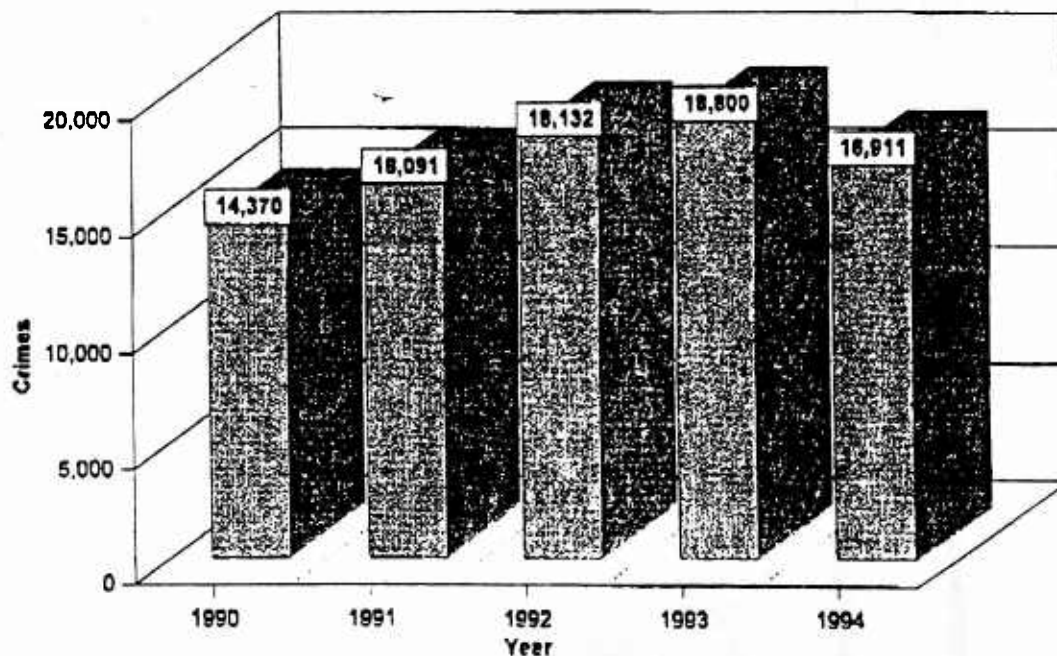
Crime by Year

Crime	1990	1991	1992	1993	1994
Murder	372	376	431	466	411
Robbery	8,700	10,116	11,630	12,123	10,864
Assault	5,298	5,599	6,071	6,211	5,636
Total	14,370	16,091	18,132	18,800	16,911

There was a 17.7 % increase in firearm involved crime during the 1990 - 1994 period.

Firearm Involved Crime

State of Maryland

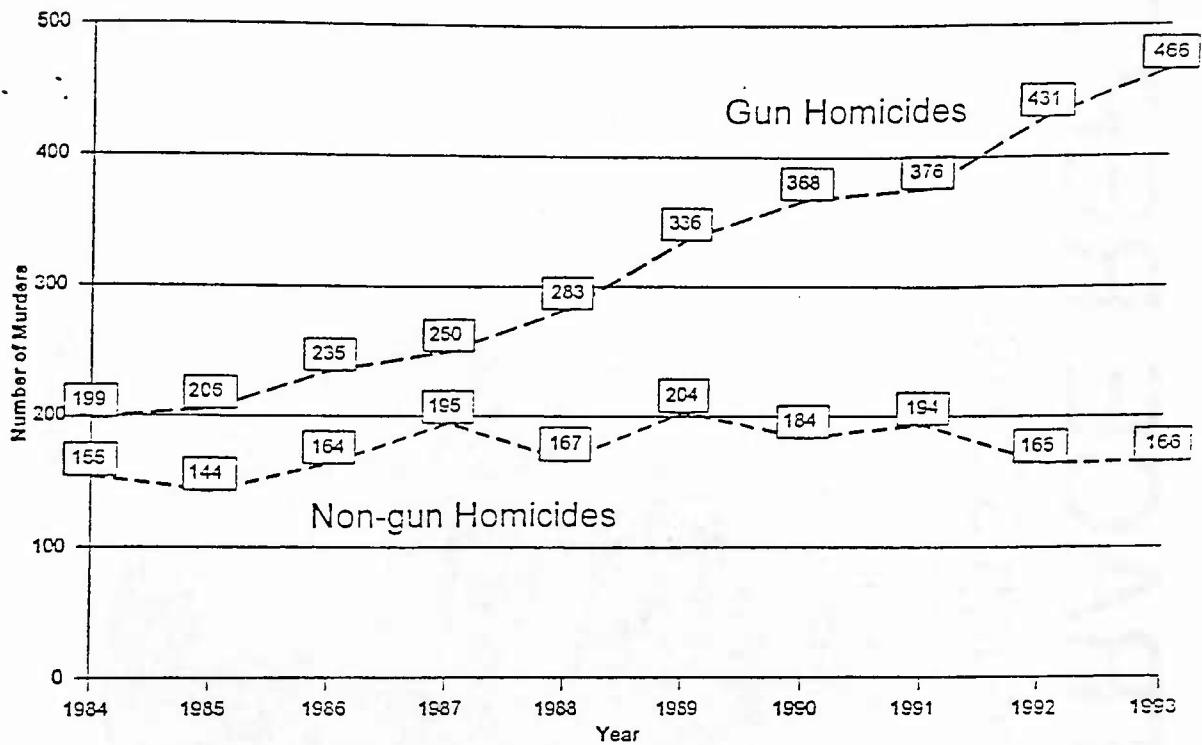


Prepared by:

Uniform Crime Reporting Section
Central Records Division
The Department of Maryland State Police

* Firearms include handguns, rifles, shotguns and other guns

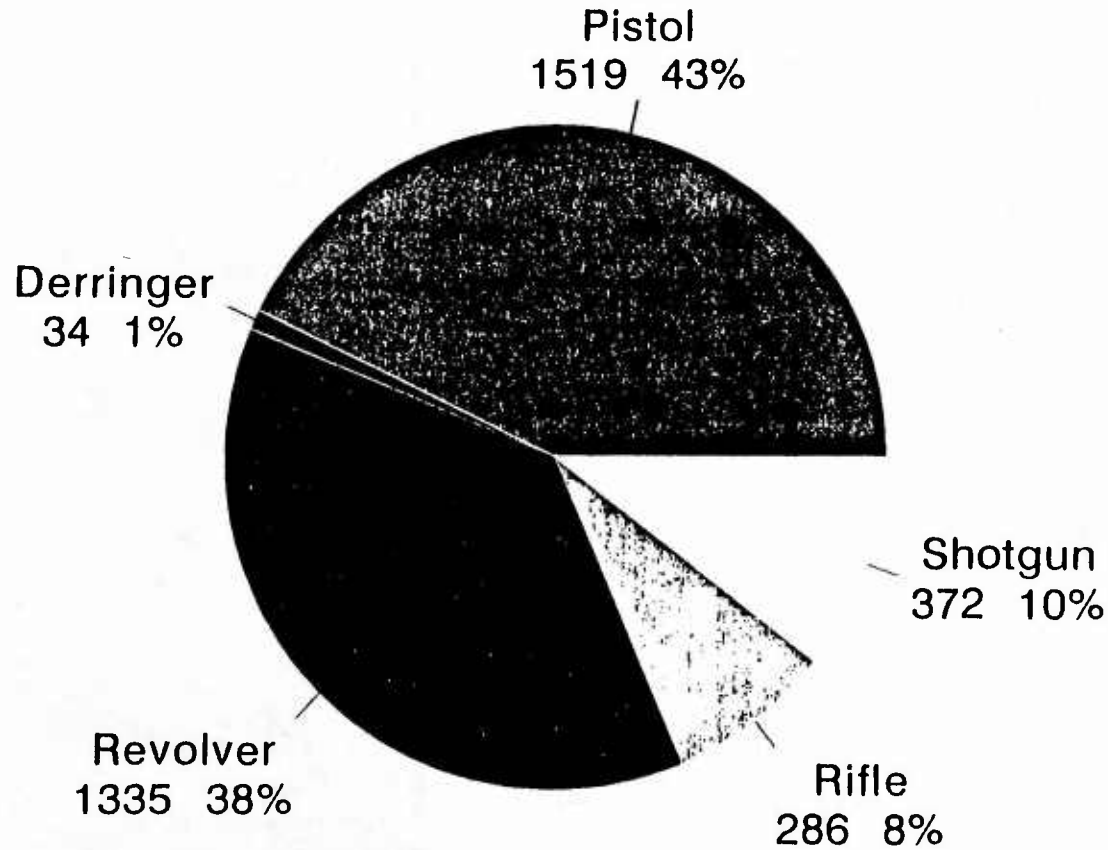
Murder in Maryland



Source: Maryland Uniform Crime Reports, 1984-1993.

BALTIMORE TRACE REPORT

4/1/93 Through 3/31/94

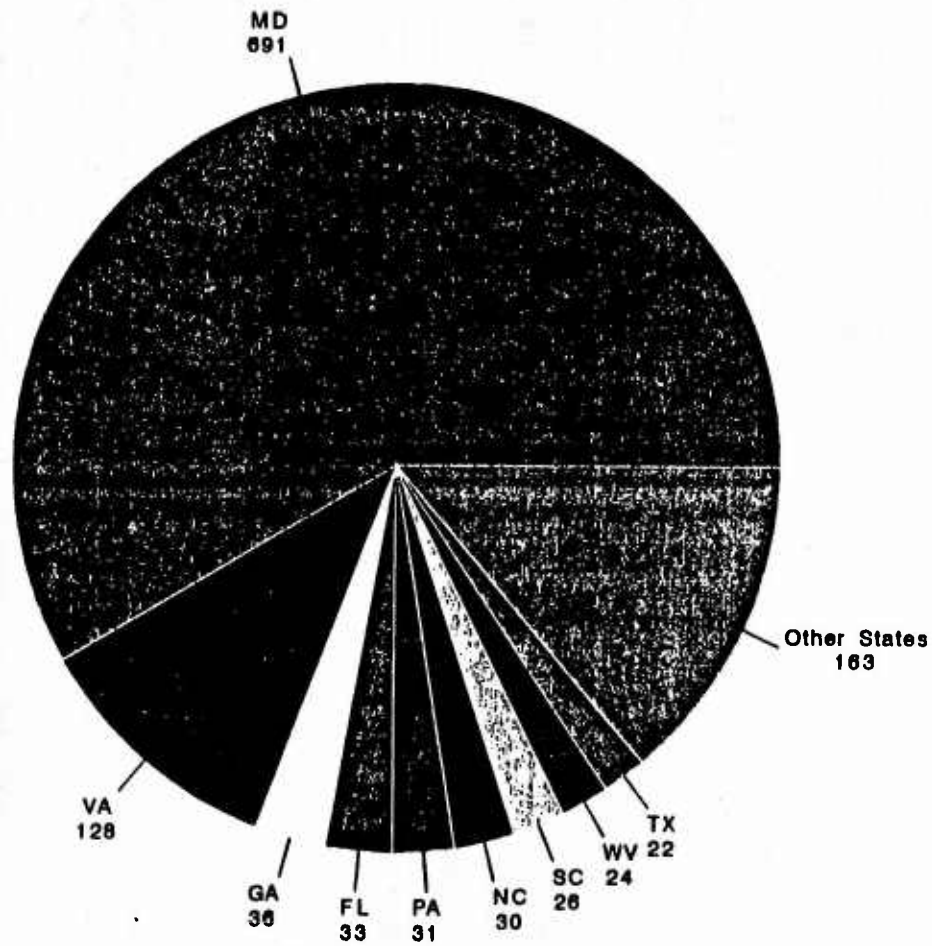


Type of Weapon Traced

TOTAL TRACED: 3546

SOURCE STATES FOR SUCCESSFUL TRACES

(Number of Weapons Traced to Each State)



1184 Successful Traces

MARYLAND STATE POLICE

REG. TYPE N V

APPLICATION TO PURCHASE A REGULATED FIREARM

APPLICANT INFORMATION

Section 1

Maryland Driver License I.D. # _____ Soc. Sec. # _____
Full Name: Last _____ First _____ Middle _____ SFX _____
Street Address: _____ Check if Baltimore City resident
Town / City: _____ County: _____ State: _____ Zip: _____
Date of Birth: ____ / ____ / ____ / Place of Birth: _____ Height: _____ Weight: _____
Race: _____ Sex: _____ Eyes: _____ Hair: _____ Occupation: _____
Phone: Home () _____ Work () _____

DEALER INFORMATION

Section 2

Dealer I.D. # _____ Dealer Name: _____
Dealer Address: _____ Zip: _____ Phone: _____
Salesperson Name: Last _____ First _____ Middle _____ SFX _____

THIS AREA FOR M.S.P. USE ONLY

Section 3

Current disposition of applicant: _____ Current disposition date: ____ / ____ / ____
Comments: _____
Signature of approving official: _____

Date form received (initial)

Date form received (final)

GUN STATUS:

GUN INFORMATION

Section 4

Make: _____ Caliber: _____ Type: _____ Finish: _____ Barrel length: _____
Model: _____ Serial # _____ Country of Origin: _____

MARYLAND LAW: PLEASE READ THE FOLLOWING BEFORE SIGNING THIS FORM

The Annotated Code of Maryland Article 27, sections 441-448 prohibits the purchase of a Pistol, Revolver or Assault weapon, as those terms are defined in section 441, by anyone who 1. Has been convicted of a crime of violence in this state or elsewhere. OR IF A VIOLATION OF ANY OF THE PROVISIONS OF SECTIONS 286, 286A, 286C, OR 291A OF ARTICLE 27, or of any of the provisions of sections 442-448 or section 481.
The term "Crime of Violence" means abduction; arson; burglary, including common law and all statutory and storehouse forms of burglary offenses; escape; housebreaking; kidnaping; manslaughter, except involuntary manslaughter; mayhem; murder; rape; robbery; robbery with a deadly weapon; sexual offense in the first degree, and sodomy, or an attempt to commit any of the aforesaid offenses, or assault with intent to commit any other offense punishable by imprisonment for more than one year. Sections 286, 286A, 286C, or 291A deals with the unlawful manufacture, distribution, counterfeiting of controlled dangerous substances, certain equipment for illegal use and keeping a common nuisance; bringing into the State in excess of certain amounts of controlled dangerous substances, and using minors for distribution of controlled dangerous substances 2. Is a fugitive from justice 3. Is under indictment or information in any court for a crime punishable by imprisonment for a term exceeding one year 3. Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year
PURSUANT TO ART. 27, SECTION 442 (g), ANY FALSE INFORMATION SUPPLIED OR STATEMENT MADE IN THIS APPLICATION IS A CRIME WHICH MAY BE PUNISHED BY IMPRISONMENT FOR A PERIOD OF NOT MORE THAN 3 YEARS, OR A FINE OF NOT MORE THAN \$5,000, OR BOTH
FURTHERMORE, PURSUANT TO ART. 27, SECTION 431e (c), A PERSON WHO KNOWINGLY VIOLATES ANY PROVISION OF THIS SECTION OR WHO KNOWINGLY GIVES FALSE INFORMATION IN ORDER TO OBTAIN AN ASSAULT WEAPON SHALL, ON CONVICTION, BE FINED NOT MORE THAN \$10,000 OR IMPRISONED NOT MORE THAN 3 YEARS OR BOTH.
I CERTIFY THAT I am not prohibited by law from purchasing or possessing a pistol, revolver OR ASSAULT WEAPON.

SECTION 5 Complete upon Application

Applicant Signature _____
Witness _____ Date _____

Section 6 Complete upon Transfer

Purchaser Signature _____
Witness _____ Date _____

This is not a permit to carry a firearm

PLEASE PRINT OR TYPE:

1. DRIVER LIC ID NUM - as it appears on Maryland Driver's License or Age of Majority card (required).
2. SOC-SEC-NUM - entire 9 digits as appears on applicant's Social Security card.
3. NAME - applicant's full name as it appears on the Driver's License or Age of Majority card. (no nicknames).
4. STREET ADDRESS - applicant's current home address.
5. BALTO CITY - check this box if applicant is a resident of Baltimore City.
6. TOWN/CITY - town or city where applicant resides.
7. COUNTY - if applicant does not reside in Baltimore City enter the full county name, for example, CARROLL.
8. STATE - enter the 2-letter state code where applicant resides. Always "MD".
9. ZIP CODE - complete 9-digit zip code of applicant's home address.
10. DATE OF BIRTH - month, day, and year of applicant's birth as it appears on Driver's License or Age of Majority card.
11. RACE - Must be "I" for American Indian or Alaskan native, "A" for Asian or Pacific Islander, "B" for Black, "W" for White, "U" for unknown.
12. SEX - Must be "M" or "F".
13. PHONES - enter the 7 digits of both the home and work phones of the applicant.

GUIDELINES FOR COMPLETING SECTION 2

1. DEALER-ID NUMBER - enter your officially assigned Dealer ID Number Ex 123403.
2. DEALER NAME - enter the name of the place of business or the name of the gun shop where the gun is being sold.
3. DEALER ADDRESS - enter the address where the place of business is located including the zip code.
4. PHONE - enter the 7 digits of the phone located in the Dealer's place of business.
5. NAME OF SALESPERSON - enter the full name of the person actually making this sale. (no nicknames).

GUIDELINES FOR COMPLETING SECTION 4

1. MAKE - full make name as shown on gun frame or receiver.
2. CALIBER - numeric caliber of the gun being sold.
3. SERIAL NUMBER - taken from the gun itself (not manufacturer's stock number).
4. MODEL - full model must have name or number as listed by the manufacturer.
5. TYPE - enter either "A" for automatic or "R" for revolver or "X" for assault rifle, or "O" for other.
6. BARREL LENGTH - length of barrel in inches.
7. FINISH - Must be "B" for blue, "N" for nickel, "S" for stainless steel, "A" for aluminum, "P" for parkerized or "O" for other.
8. COUNTRY OF ORIGIN - country where the gun was manufactured.

GUIDELINES FOR COMPLETING SECTION 5 & 6

NOTE: MAKE SURE THAT THE APPLICANT HAS READ THE MARYLAND LAW BEFORE HE/SHE SIGNS IN SECTION 5.

1. Section 5 must be signed on the same day this form is filled out.
2. Section 6 must not be filled out until the gun is actually transferred to the purchaser.

DEALER: Form Distribution

White Original - MSP
Blue Copy - Dealer File
Pink Copy - Customer

APPENDIX A

The undersigned, a minority of the Governor's Commission on Gun Violence, not agreeing with the majority, desire to express their views on the issue of gun control and violent crime in Maryland. This minority report is not offered as a complete repudiation of the majority's findings, but is based on the simple belief that the most effective/constructive recommendations for putting a halt to the rampant violence in this state must be those which focus on the criminal and not the law-abiding persons of this state. The Commission had a real opportunity to address this issue and make recommendations which specifically address those who violate the law. Unfortunately, such positive recommendations may be lost due to the insistence of the majority in recommending legislation desired and specifically sought by Handgun Control, Inc. (HCI) and Maryland Against Handgun Abuse (MAHA). If those recommendations are accepted by the Governor, and enacted into law, they would only serve to restrict law-abiding persons while having no effect on those who refuse to obey more serious laws against committing violent crimes.

It is further clear that the Commission failed to take into account the fiscal ramifications, the state of the technology, and other practical considerations when making its recommendations. The bottom line is that many of the majority's proposals will be both costly and ineffective in reducing violent crime, the stated purpose behind the proposals.

COMMISSION MAKE UP

Since the very outset and at each and every hearing, the Commission has been criticized for its abundance of anti-gun members. This criticism is not without merit since the Commission consists of some individuals with direct connections to HCI and or MAHA, the two most highly visible gun control organizations registered to lobby in this state. It is clear that the Commission was designed to recommend strict gun control measures.

COMMISSION PROCESS

If it was the intent of this administration and Commission to gauge the concerns of the citizens, the citizens informed this commission in overwhelming numbers (80% of all speakers before the committee strongly objected to any further restrictions on law-abiding citizens) that the focus of this commission should be on the overall problem of violence and how better to deal with those who choose violence to prey upon the citizens of this State.

At each hearing it was made clear that the only persons who would be affected negatively by further restrictions on firearms acquisition and ownership are the law abiding. We were reminded that criminals by nature do not follow the law, but, indeed, benefit from gun control measures whose effect is to hamper the law abiding, leaving the criminal to prey on those most inclined to obey the law.

TESTIMONY AND RESEARCH

Significantly, while much of the anti-gun testimony indicated a problem of gun-related violent crime in Maryland, virtually no one discussed the situation in terms of existing gun laws or the crime in terms of their comparisons to other states. In fact, any objective ranking of Maryland's current gun laws would place it among the most restrictive ten states, possibly even among the most restrictive five. We have long had a 7-plus day waiting period, generally informally extended to the length of time -- up to three weeks -- it takes the State Police to complete their background check. We are one of the more difficult states in which to obtain a permit to carry a concealed handgun for protection. We are one of only five states to restrict the sales of certain types of handguns. We are one of only another handful of states to place some restrictions on the acquisition of some long guns; and, while our "assault weapon" bill is less restrictive than the other states who place some restrictions on the acquisition of long guns, more than forty states have no such restrictions.

None of the advocates of further restrictions took note of the fact of our fairly extensive regulatory scheme, or explained why it failed to keep Maryland from consistently recording very high rates of violent crime and homicide. The latest figures from the FBI, for example, show Maryland fifth in its murder rate among the 50 states. In 1966, Maryland's murder rate was 14th highest. Since that time, Maryland has enacted more and more restrictive gun laws. Further, the federal Gun Control Act of 1968 makes it a felony, punishable by up to five years imprisonment, to evade Maryland's gun laws by going to another state and bringing guns back here -- with ten years imprisonment possible if the purpose in bringing the gun into Maryland was to use it in a violent crime. While these simple figures do not show that gun laws cause murder rates to rise, there should have been some explanation why the vast multitude of restrictions had failed to accomplish the goal of reducing violent crime, and why we should expect the next layer of restrictions to be more effective.

FLAWS IN THE ANTI-GUN ASSUMPTIONS

The anti-gun testimony emphasized that firearms are misused -- particularly by children -- and so something must be done. That testimony ignored three basic issues. First, it ignored that fact that virtually everything bad involving children and guns is already against the law, and there is no reason to believe additional gun laws will do any good. The dealer acquisition of handguns is banned for persons under age 21, with curbs on long guns to those under 18, and ammunition sales banned to persons who cannot lawfully buy the firearm type for which it was intended. In addition, the 1994 federal crime law placed sharp restrictions on firearms possession by persons under the age of 18.

Second, that testimony ignored any beneficial uses of firearms -- such as the massive evidence, summarized by Florida State University Professor Gary Kleck, that guns are used up to 2.5 million times annually for protection from criminals. Although this number has been disputed by some of the literature, clearly the self protection aspect is significant.

Third, that testimony, while clearly noting the existence of a problem, provided no scholarly or common-sense reason to believe that additional gun laws -- "do something" -- would work. Gary Kleck's thus-far-definitive research Point Blank: Guns and Violence in America -- winner of the American Society of Criminology's 1993 Michael J. Hindelang award for best research -- rejected the notion that restrictive gun laws curbed crime, gun-related crime, or violence. His findings were only that some fairly common and fairly mild regulations on firearms (such as licensing gun dealers) generally in force in Maryland might possibly be associated with fairly modest reductions in robbery rates.

THE JOHNS HOPKINS UNIVERSITY GUN POLICY CENTER

The Johns Hopkins University approach called for treating firearms like other consumer products, especially consumer products owned and used in the home, and to restrict or regulate them on that basis. That testimony ignored key facts regarding firearms and consumer products. Virtually no consumer products -- especially those kept at home -- are licensed or banned. While there may be industry standards required for chain saws or toasters, there is no licensing of anyone attempting to purchase such items; private sales are not regulated; there is simply no curb on private individuals doing anything they want with consumer products.

To the extent such regulations deal with the quality of the merchandise manufactured, Maryland is already the first and only state in the Union to regulate handguns as consumer products, via the 1988 Maryland law establishing a Handgun Roster Board and banning dealer sales of handguns not expressly approved by the Handgun Roster Board. The fact is that the measure has apparently not affected Maryland homicides or other violent crimes. Indeed, the Baltimore trace study for 1994, even though it makes use of tracing data which are not really suitable for studying crime guns, indicates that cheap handguns still constitute a significant portion of handguns found in the course of criminal investigations. This undermines any suggestion that the so-called "Saturday Night Special" ban is effective. The law, at any rate, makes Maryland the only state in the Union which already treats handguns as ordinary consumer products.

In addition, it must be noted that all federal regulations dealing with consumer products, of the like mentioned by Johns Hopkins, are aimed at accidents, not at the intentional misuse of firearms, which constitutes over 95% of the Maryland gun "problem".

Johns Hopkins' comparisons of guns to motor vehicles would be appropriate if they in fact favored the loosening of anti-gun restrictions. First of all, there are few restrictions on the private purchases of automobiles. The majority of the Commission, however, is recommending restrictions on private handgun transfers. Second, there is no rationing of motor vehicles or gas. One can buy as many cars as one wants, with, pretty much, whatever size gas tank one chooses. There is no waiting period involved in purchasing motor vehicles; there is no limit on the number one can purchase each month or each year.

In addition, while drivers' licenses are needed to take cars on public roads, (a) those licenses are easy to obtain, with no need to show a need for private transportation; and

(b) those licenses are needed only for taking cars in public. The comparable restriction on firearms would be a license to carry a gun in public, but for it to be relatively easy to obtain for any law-abiding adult who was not prohibited from owning a firearm and could demonstrate some knowledge of how to use a gun. In that sense, we recommend that the Commission follow the spirit, if not the letter, of the Johns Hopkins suggestions, and ease the carry laws, making Maryland similar to a majority of the states in the nation.

HANDGUN CONTROL, INC., AND MARYLANDERS AGAINST HANDGUN ABUSE

The MAHA approach calls for a response to criminal misuse of firearms with massive regulations aimed at ordinary manufacturers, dealers, owners -- particularly at those least associated with crime: gun collectors. Their approach similarly aims at firearms and ammunition least apt to be associated with crime. Both Maryland and the federal government have already banned the acquisition or possession of firearms by the most clearly at-risk members of society: felons, the adjudicated mentally incompetent, illegal aliens, and minors. Efforts aimed at rationing the number of firearms a person may purchase adversely affects collectors. These restrictions are not even aimed at ordinary criminals, but at possible firearms traffickers -- an aim which flies in the face of surveys of criminals which indicate they do not obtain their firearms from such interstate channels. Rather, they obtain their firearms from friends, family, on the street, and by theft, from in-state sources. While trafficking occurs to some extent in jurisdictions with highly restrictive gun laws, it is not yet common practice in most of the United States, and certainly not in Maryland.

To the extent traffickers use "straw man" sales -- purchases of handguns by persons for someone else -- those sales are already proscribed under federal law, and BATF is clued to their occurrence by the federal law requiring that multiple sales -- of more than one handgun to the same person in a business week -- be reported to BATF.

HCI and MAHA similarly want private transfers of handguns regulated. None of the data or studies presented to this Commission support such regulation. Again, while most criminals obtain their handguns from something other than ordinary commercial sales, they do not use methods indicating a willingness to conform to the law, preferring thefts and black market sales. Studies indicate that drug dealers who are also dealing in firearms will not comply with regulations on private transfers. In addition, states which regulate such transfers provide no evidence such regulations reduce violent crime, reduce criminal access to handguns or other firearms, or are even complied with by non-violent citizens who normally comply with *malum in se* provisions of the criminal code.

As with private transfer restrictions, the HCI and MAHA proposals for licensing and registration lacked any evidence that such legislation would in any way be effective. Research indicates on the contrary that such legislation has no benefits for society.

Nor do such restrictions assist in law enforcement. For real criminals, technical gun-regulation violations are simply dropped in the course of the criminal proceedings. The burden is on those wishing such restrictions to produce evidence of probable improvement, and they produced none in the course of this Commission's hearings.

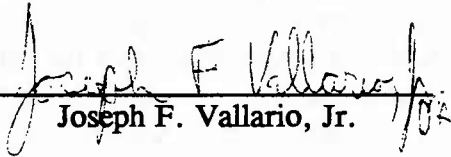
The Commission, by a bare 6-5 majority with one abstention, has voted to recommend that the Governor propose "some form" of licensing and registration system. This has long been one of MAHA's goals. The State Police acknowledged a start-up cost for such a system in the area of \$6-8 million. This comes at a time when the Governor is looking at ways for each Department to cut its budget. In addition, there would be an individual "user fee" of \$150 for each license, plus the cost for training, which costs anywhere from \$100 to \$200. There is simply no justification for imposing this burden and cost on our citizens.

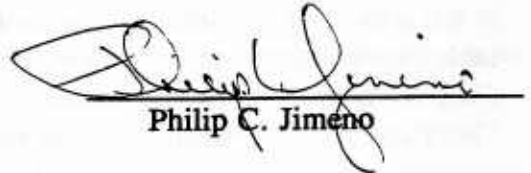
HCI and MAHA would like to make still more restrictive the state's curb on so-called "assault weapons," as well as on ammunition and ammunition feeding devices. Again, there has been a lack of factual justification for such restrictions. Even if there were, the fact that the federal government has just curtailed "assault weapons" and medium- and large-capacity ammunition feeding devices would suggest a more reasonable approach would be to wait and see what impact, if any, the federal regulation has on gun-related crime.

CONCLUSION

The results of the Commission's study were predetermined by the appointment of a membership largely having an anti-gun bias. Overwhelmingly, the interested citizens of this State told the Commission that additional restrictions on guns were not the answer to the State's crime problem. The Commission chose to ignore this. Instead it has relied on faulty data and flawed assumptions to make many recommendations that will be both costly and impractical. It is the law-abiding persons of this State who will be the victims if the legislation proposed by the Commission is enacted into law.

Respectfully submitted,


Joseph F. Vallario, Jr.


Philip C. Jimeno

October 31, 1995

The Honorable Parris N. Glendening
Governor, State of Maryland
The State House
Annapolis, Maryland 21401

Dear Governor Glendening:

I did not receive a copy of the Commission on Violence's minority report until 9 a.m. this morning.

Before I get to that I want to thank you for appointing me to your Commission on Gun Violence. It was a unique privilege for me to be a part of something that I feel will help to bring about a distinct and most necessary change in the level of gun violence that has threatened the State of Maryland for well over ten years. Thank you both for forming the Commission, and for appointing me as a member.

From the very first meeting of the Commission it was evident to me that every member of the Commission that I met, and I only met thirteen of the seventeen appointed, were dedicated to the charge that you had given us. Most of us attended the meetings, read and listened to testimony and searched our hearts, minds and consciences for proposals to you that we thought would help to solve Maryland's gun violence problem. I, personally, had just two "givens" - that there was nothing that anyone could ever do that would keep what had happened to my son, Charley, from happening to anyone else's child. And, secondly, that I had no pre-conceived ideas on what we should or shouldn't do to help to solve the problem. I figured that those ideas would come from reading and hearing testimony. And they did.

I was horrified and insulted by the minority report. It states that we could have made recommendations that "addressed those who violate the law". And yet on five separate votes either one or both of the legislators on the Commission voted against stiffer or additional penalties for gun-related law-breakers.

I am insulted by the criticism of the make-up of the Commission. Vinny DeMarco is the past Executive Director of MAHA and is currently employed by HCI. But he is only ONE member of the Commission. Yes, I am a member of MAHA, but I am also past-President of the Severna Park Assistance Network (SPAN), past member of the Center Committee of the YWCA and member/officer of many other organizations...as was every member of the Commission. The make-up of the Commission was wonderful. It was evidence from the very beginning that no one who had accepted your charge had pre-conceived ideas - no personal agendas. The only exception to that was the two legislators who seemed to routinely blow smoke, obfuscate, twist and throw impediments in the way of our procedures. Sometimes it was amusing, because it was so obvious. At other times it was annoying, because it wasted precious time.

I am listing below as many specific comments on the minority report as I have time to make:

1. The minority report made no mention of the extensive educational programs on reducing gun violence that the Commission members overwhelmingly supported. Nor was there any mention of our proposal for an extensive state-wide media campaign.
2. The minority report discusses the "ineffectiveness" of gun control laws in Maryland (p.3) while disregarding the demographics of our gun violence problem compared to other states, obfuscating the problem and potential solutions.
3. Continually, the minority report talks about impacts on "law-abiding citizens", without commenting on the fact that the recommendations of the Commission do not restrict the "law-abiding" from purchasing a handgun. Indeed, the minority report would seem to indicate that the authors feel that criminals never buy a gun legally. Who, I wonder, buys all these guns that criminals use? There is no black market (p.3), because Maryland law is open enough to alleviate the need for a black market, i.e., no current restrictions on secondary sales.
4. Reliance on statistics on beneficial defensive use of firearms from one source (Kleck, whose statistics are an order of magnitude higher than the Department of Justice and University of Maryland) puts the authors squarely in the camp of the anti-gun control advocates - a stance to one side of the issue which they castigate others on the Commission for having.
5. On treating firearms like other consumer products (pp.5-6), the minority report authors forget that the government has always the responsibility to protect the safety of its citizens through regulation. In the case of automobiles, government has had to require such things as seat belt installation and subsequently use, air bags, ratings for tires, etc., because manufacturers would not initially provide those means to reduce injury and death. Contrary to the minority authors' conclusions, there are significant restrictions on purchasing an automobile if it is to be used on public roads, such as insurance, inspection for roadworthiness and compliance with environmental regulations.
6. As far as "intentional misuse of firearms" (p.6), the handgun is made to be a weapon of destruction. (See ads on "stopping power" in gun magazines.) Its use in wounding and killing is the proper one; its "misuse" would be as a hammer.
7. Easier gun ownership, such as carrying permits (p.6), cannot solve the violence problem. Carrying a concealed weapon might decrease an individual's personal risk (although I doubt this, witness the number of trained policeman who are shot with their own weapons), it surely increases the risk to everyone else who is around that person. (The thought of someone carrying a concealed weapon who is having a bad day, is a horrible one.)
8. On p. 7, the authors state that MAHA calls for "massive regulations aimed at ordinary manufacturers, dealers, owners - particularly at those least associated with crime; gun collectors". I don't have to talk for MAHA, they will obviously respond on their own,

but I do know that gun collectors have in the past been clearly exempted. (In fact the Commission voted unanimously to exempt gun collectors from complying with their one-gun-a-month proposal.) The minority authors clearly direct these statements to the press and not to the truth. The dealers that are affected are those that want to sell multiple guns at a time with little regard to who is buying or why. Present owners of handguns are not in any way affected by any proposal at all - only future purchasers.

9. The last sentence of the second paragraph on p.7 ("Rather they obtain their firearms...") are exactly why new regulations are needed. (Strangely those sentences are contradictory to other comments by the minority authors, strongly contradictory.) Criminals get handguns the same way all of us law-abiding citizens get them - by buying them. The Commission's recommendations go directly to that problem - keeping guns out of the hands of criminals.

The comment that straw purchases are reported to the BATF forgets to mention that the reporting is done after the sale and we heard testimony that guns have a short shelf life in the hands of straw purchasers. A Baltimore County police officer recently stated that typical transfers after purchases might be in the order of within four hours from time of sale!

10. Training costs of \$100-\$200 are absurd. My husband took an NRA training course for \$40 (6 hours), which is similar to what I believe the Commission required, but twice as extensive as required by Florida for concealed carry permits.
11. The minority authors toss dollar figures around loosely...a \$6-8 million startup costs and user fees of \$150 for each license were discussion points. Their use in this document is again directed to inflame rather than inform. It does not serve the State.
12. Lastly, the minority authors' conclusion is outrageous. Insinuating that we would use "faulty data and flawed assumptions" is an insult to the members of this Commission. I would like an apology from the authors for these comments which are a direct attack on my integrity as well as that of other members of the Commission. I feel like a "victim" of their attacks. The authors' obvious tactic is to stonewall the process and to hope that the problem goes away. The majority of the Commissioners worked diligently to help you to solve that problem.

In closing, I'd like to state that Sheriff Ray Kight called a short while ago, echoing my outrage at the minority report. He asked that I use his name in support of this letter, not keep silent under such an unfounded attack.

With kind personal regards,

Sincerely,



Barbara H. Willis
Member, Governor's Commisison on Gun Violence

October 31, 1995

Honorable Parris N. Glendening
Governor
State House
Annapolis, MD 21401

Dear Governor Glendening:

Thank you for appointing me to the Governor's Commission on Gun Violence. It was an honor to serve with the distinguished members you appointed.

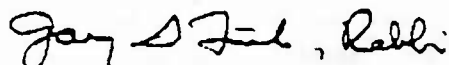
With able support from your competent and dedicated staff, the Report of the Commission reflects well the deliberations of the Commission. However, there is one aspect of the deliberations that I would like to further clarify; namely, the Commission's deliberations on Recommendations #24 and #25, relating to licensing handgun purchasers.

Of the seventeen members you appointed to the Commission, five were not present and did not participate in any of the votes related to licensing. Of the remaining twelve Commissioners who voted on this issue, six voted for Recommendation #25 calling for you to include a licensing and registration proposal in your 1996 legislative package, and two others, including myself, were not present for that vote but had voted for licensing recommendations at a previous meeting. In addition, Sheriff Ray Kight stated in writing that he supports a licensing and registration system. Thus, a substantial majority, nine, of the thirteen Commissioners who addressed this issue expressed their support for licensing and registration of handgun purchases. (The Commission, by a vote of five in favor, five against and two abstentions, did vote not to adopt a specific form of licensing scheme known as the "FOID" card.)

In endorsing a licensing and registration system for handgun purchases, the Commission recognized the support for such a system by the Maryland Chiefs of Police Association.

Again, thank you for your leadership on this issue.

Sincerely,



Rabbi Gary Fink

Member

Governor's Commission
on Gun Violence

Although I share many of the concerns voiced in the minority opinion, I would not lay blame on the composition of the Commission. I choose to believe that the members of the Commission have invested their time and commitment to give the best possible recommendations to the Governor. But clearly, members did come to the table with a variety of different experiences and preexisting involvement and knowledge on this issue. I personally found that the process, volumes of material and time constraints made it extremely difficult to thoroughly read, research and consider all sides of these issues in order to reach meaningful conclusions with any degree of certainty.

As an example, the issue of licensing, one of the more controversial, did not receive in-depth testimony nor did the process and time restrictions permit sufficient dialogue. When finally open to debate, the issue became very confused. Because of this confusion and lack of information, the majority barely (6 to 5 with 1 abstention) recommended a general form of licensing rather than the more specific FOID card process cited in the testimony. I am not convinced that such a general recommendation is sound. Likewise, banning the sale of assault rifles and high capacity gun magazines was addressed only at the eleventh hour without any real testimony or data to support its effectiveness.

The minority sentiment on the Commission is that no regulation that has substantial impact on law-abiding citizens, and creates additional costs to the tax payers, should be enacted without a clear indication of its effectiveness. I believe that a thorough review of all the data and studies offered by both anti-gun and pro-gun factions reveals that few gun control measures have been shown to affect rates of gun violence. I therefore concur in the issues raised by the minority report particularly in the comments regarding "Testimony and Research" and "Flaws in the Anti-gun Assumptions". Finally, it is clear that to do justice to the wealth of material provided to the members of the Commission would have demanded more time.

Respectfully submitted,

A handwritten signature in black ink that reads "Marna McLendon". The signature is written in a cursive, flowing style.

Marna McLendon