

Exhibit 35

to

Plaintiffs' Cross-Motion for Summary Judgment

and

Opposition to Defendants' Motion for Summary
Judgment



M A R Y L A N D
TROOPERS
A S S O C I A T I O N



INCORPORATED 1979

February 6, 2013

POSITION ON PROPOSED LEGISLATION

BILL NUMBER: Senate Bill 281

POSITION: Oppose

BILL TITLE: Firearm Safety Act of 2013

This legislation seeks to prohibit the possession, sale, offer for sale, transfer, purchase or to receive an assault rifle after October 31, 2013 and the assault rifle must be registered with the Secretary of State Police by November 30, 2013 or it is subject to seizure as contraband. The legislation prohibits detachable magazines with a capacity of more than 10 rounds, requires a citizen to obtain a Handgun Qualification License in order to purchase, rent or receive a handgun. Additionally, the legislation requires additional training before an individual may purchase a handgun or obtain a permit to carry a handgun.

On September 13, 1994, then President Clinton signed legislation banning Assault Weapons. The legislation had a 10 year sunset clause. During the time the legislation was in effect, in October 2002, John Allen Muhammad who had a criminal record for domestic assault that prohibited him from purchasing or possessing a handgun or assault weapon, obtained a Bushmaster .223 semi-automatic rifle, allegedly by theft in Washington State. Muhammad and Lee Boyd Malvo then went on a killing spree and killed numerous individuals in the south and 11 in the D.C. metro area.

The Uniform Crime Report of Maryland 2011 statistics shows that in 2010 there were 425 murders in Maryland, 3 were committed with a rifle and in 2011 there were 398 murders in Maryland, 2 were committed with a rifle. These weapons may or may not have been Assault Rifles as the UCR does not distinguish the difference between rifles and Assault Rifles.

This legislation requires an individual to obtain a Handgun Qualification License before they can purchase, rent, or receive a handgun. In order to obtain the Handgun Qualification License, an individual must submit an application to the Maryland State Police with two sets of fingerprints and proof of a minimum of 8 hours of instruction by a qualified handgun instructor. The State Police have 30 days after receiving a properly completed application to issue the Handgun Qualification License.

In 1996, while drafting the Gun Violence Act of 1996, this concept was reviewed and discussed extensively. A fingerprint background was to be completed one time and

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a firearms purchase approval designation was to be placed on the individual's drivers license. It was determined that this provision was very costly and not necessary in Maryland because of the current requirement to go through an extensive background check and a 7 day waiting period. In 1996, Maryland was ranked about 5th in the United States as having the most stringent regulated firearms laws. The current proposed legislation with all of the requirements to obtain a Handgun Qualification License would cost between \$300 to \$400 and would preclude some individuals from purchasing a handgun legally.

The legislation also requires retired military and retired law enforcement officers to obtain the Handgun Qualification License and take the 8 hour training course. Throughout their entire career Law Enforcement Officers receive training on the firearms assigned to them, to include annual safety training and are required to qualify with the handgun and a shotgun annually. The Officer Survival Training in the Maryland State Police includes handgun retention, shoot – don't shoot scenarios, handgun takeaway, and live scenario training. The Maryland Troopers Association believes that 20-30 years of training should exclude law enforcement officers from the training requirement.

As current and retired law enforcement officers, we sympathize with anyone who has been a victim of any type of gun violence. The tragedy at Sandy Hook Elementary School in Newtown, Connecticut brought deep sorrow to the entire country. In a press conference, President Obama told the American citizens that we have to do something. Our organizations agree, but believe that several of the provisions of this legislation are not the answer, as they would not have prevented this tragedy.

To demonstrate our position, 20 year old Adam Lanza was prohibited from purchasing or possessing a handgun or assault rifle by Federal and State Laws. He killed his own mother to obtain the firearms, transported the firearms loaded, brought firearms on school property, broke into the school with loaded firearms, and killed 20 children and 6 staff members of the school, as well as himself. All of these offenses would have been violations of current Maryland law.

For these reasons the Maryland Troopers Association and the Maryland State Police Alumni Association requests the Committee give Senate Bill 281 an Unfavorable Report.

For Additional Information Contact
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