

Exhibit 49

to

Plaintiffs' Reply to Defendants'
Opposition to Plaintiffs' Cross-Motion
for Summary Judgment

MARYLAND'S SHERIFF ASSOCIATION

Sheriff Jenkins, Sheriff Lewis, Chief Rodney Cox, Deputy Chief George Bacon, Timothy Cameron, Alexander Ray. Who would like to begin please?

If it pleases the chair, Sheriff Tim Cameron the sheriff of St. Mary's County. Mr. Chair, Co-Chairs, Members, thank you very much for your time today. As I said, I am the sheriff of St. Mary's County. I have spent over thirty years in law enforcement in service to St. Mary's and the State of Maryland. I am a lifelong resident of St. Mary's County, an avid sportsman, a shooting enthusiast and I feel very strongly about the issue of which we are discussing today. I am the immediate past president of the Maryland Sheriffs Association and serve as the current chair of our legislative affairs committee.

The Maryland Sheriffs Association recently issued a resolution promoting safer communities for Maryland. The resolution incorporates the Association's position on gun rights. The tenants of our resolution are, as the sheriffs recognize the elected sheriff is the chief law local enforcement officer and elected by the people. All Maryland sheriffs take an oath of office to support and defend the United States Constitution, the Maryland Constitution and the laws of the State of Maryland including the Bill of Rights and the Second Amendment. The primary mission of the sheriffs is to ensure public safety. There must be a comprehensive approach to create a safer environment and safer communities. Gun control alone, we don't believe, creates that. We agree to keep guns out of dangers hands we need to support improved information sharing across the disciplines. The Maryland sheriffs believe mental health treatment must be greatly expanded. Maryland sheriffs support local State's attorney and their vigorous prosecution of those to violate existing gun laws and encourage enhanced sentences for violators. The primary mission of the sheriffs is to ensure public safety. We support enhanced firearm

safety efforts including incentives to promote both safe and secure storage of firearms and the use of firearms. The Maryland Sheriffs Association opposes any law or regulation that infringes or restricts a citizen's right to bear arms under the Second Amendment. The Sheriffs Association has voted to oppose this Bill.

Mr. Chairman, distinguished members of the house, I am Sheriff Mike Lewis, the Sheriff of Wicomico County. I am the current president of the Maryland Sheriffs Association and I serve as Co-Chair of the Legislative Committee which meets once a week. As a lifelong resident of Wicomico County, and avid hunter and fisherman, my views are certainly stronger than some others. However, I echo other sheriffs when I say I oppose any law and regulation that infringes or restricts a citizen's right to protect himself or his family, which is a true reason for our longstanding Second Amendment right. The Maryland Sheriffs Association has agreed to work with Governor O'Malley and our local delegation on many issues regarding gun safety and public safety. I agree with these common sense points of discussion which identify the real issues associated with gun control that do not infringe on a citizen's right to bear arms under our Second Amendment. As a 28 year veteran of law enforcement, 22 years as a Maryland State Trooper and now six years as the Sheriff of Wicomico County, I have a distinguished career in both gun and drug enforcement across our State with thousands, not hundreds, of street and highway arrests under my belt. I am very proud to say that I have been that grunt in the trenches and I feel qualified to say that proposed House Bill 294 will do nothing to reduce, suppress or stem the flow of gun crime on the streets of the State of Maryland. I have never arrested and charged a person for a gun crime where the gun was legally registered to them. The guns were often stolen, sold for drugs, including marijuana and now we are even trying to legalize that. Do you really believe these proposed feel good laws will reduce any crime at all? I have heard

testimony here today regarding the number of law enforcement officers killed in the line of duty. According to the National Law Enforcement Officers Memorial in Washington, DC for two consecutive years, law enforcement officers line of duty deaths have plummeted. In fact, there are more law enforcement officers killed in automobile related crashes than are killed by gunfire every year, and that has been consecutive for the last nine years. Due to Maryland's lack of vigorous prosecution of gun crimes and Governor O'Malley's determination to abolish the death penalty along with this new proposed legislation, there is tremendous incentive today for criminals to move to Maryland to resume their criminal activities. For law abiding citizens, now discouraged from legally purchasing the firearm due to these proposed hurdles, can only stand by and watch these criminals flourish in their old profession of terrorizing innocent citizens. What this Bill won't do, this Bill will not keep certain restrictive firearms out of the hands of criminals who intend to commit a crime with a gun. This proposed legislation will not keep violent repeat offenders incarcerated longer for the crimes they now commit with guns. This will not deter or prevent acts of violence involving guns. This Bill does not change the current concealed carry law to enhance personal protection rights of our citizens. These are nothing more than feel good proposals that do absolutely nothing more than impact our law abiding citizens and undoubtedly make our law abiding citizen victims of those criminals who will continue to steal, rob, rape and murder while holding a firearm to your neighbor's head. This morning on the Senate floor, I listened to Senator Raskin, a Constitutional Law Professor, just this morning while aggressively arguing for the abolishment of the death penalty, he stated that it has been proven that the death penalty does not serve as a deterrent for those committing homicide. No more than the passing of this legislation will do to prevent gun violence in the State of Maryland, yet we are proposing legislation that will certainly affect the safety and security of law abiding

citizens while remaining hopeful that these criminals will now abide our new laws. This is an outrageous insult to the American people. I swore a solemn oath to protect and defend the Constitution of the United States and the Constitution of Maryland and I am prepared to stand my ground with my constituents for the preservation of its traditional interpretation. Thank you.

Good afternoon. My name is Rodney Cox. I am the Police Chief for the town of Denton in Caroline County. It is a little small community on the eastern shore with about 4,000 people in population. I have a belief, and the belief is this that everyone in this room, including probably the entire State at the end of the day wants the same thing. What we want is, we want our children and we want our families and we want our communities to be a safe place to live. The problem where we differ with this is that there are two paths that we can take to get to this. Some would go the path of this Bill and others, like myself, would have preferred to have a more simpler approach. Why would we want to take the long, bumpy, twisted, windy road, reinventing the wheel by establishing a new law when we can very easily identify the problem and take a more direct approach. That direct approach, in my opinion, should be to identify what is broken. We need to fix what is broken in this State. Mr. Kelly earlier touched on the subject where he said our judicial system has a problem. Our judicial system is broken. It is a revolving door. That revolving door consists of dangerous criminals that are responsible for the injuries that are created to our citizens and they are the responsible ones that make it dangerous for our communities. We need to do something to identify how to stop that revolving door and to keep dangerous criminals off the streets to begin with. That is where the problem was. I think that if an eastern shore small community Police Chief can see this problem, then I don't quite understand why others can't do the same. I hold in my hand basically proof of this if someone will look at it this way, I receive daily or at least every other day a law enforcement executive

daily report. It comes from the Maryland State Police through the Maryland Coordination and Analysis Center, and what this report is is a summary every day or every incident that takes place in the State of Maryland that involves a homicide or an attempted homicide. As of yesterday's date the State of Maryland, we have experienced 69 homicides in the State. Compared to the same time last year we had 40. As you can see, the problem is getting worse. It is not getting better. We need to identify what can be done to keep the dangerous criminal off the streets as the best way to make our community safe. We can do this very simply, very easily without having at the same time trample on our law abiding citizens' constitutional rights.

My name is Alexander Ray. I am a Military Disabled Veteran. I served 20 years in the Navy and my area of expertise was counter drugs and counter terrorism. I had the luck of traveling all through South America. I did encounter a drug war against Mexico. I trained law enforcement military to do very specialized work in a revering environment following cocaine traffickers at the point of fabrication if you want to use that word and distribution. I also have some counter terrorism from the civilian's side of the house with the FBI and Homeland Security. The reason I bring this up is because I come from the island of Puerto Rico, an island that is part of the territory of the United States. We have a constitution based on the United States Constitution and we also have a Second Amendment or an equivalent thereof. However, all this laws that you are trying to pass here in Maryland, we have had them for the last 60 years, since 1952 or thereabouts, including fingerprinting, licensing, \$200 fee, waiting period of 120 days, three strong statements from your neighbors or somebody that knows you but is not related to you vouching for your ability to have a firearm. It can get more owners than that. As a matter of fact they have the worst rating of the NRA, so that tells you something. Still we have 1,200 murders just last year. It has been like that forever. Mind you, Puerto Rico is a liberal utopia. It

has got 67% poverty rates, over 70% of people are on welfare. It has a very homogenous culture, however, very committed in government. Crime is up the roof. There are about 167,000 legal registered weapons. Oh by the way, they all must be registered. There is over a million and a half to two million illegally owned guns in the country. We have no gun shows. We have no manufacturers. There is only 30 FFLs in the entire island. So how do the guns get there? The same way the drugs get to America. Okay? They get smuggled in. Okay? Five, ten, twenty at a time. If you have ever been to Puerto Rico on New Year's Eve is like Bagdad on the day of the invasion. It is worse than 4th of July and there is real guns. The reign of bullets that you will see. That's not your law abiding citizens doing this, sir. These are your AK-47s full auto that you cannot buy in a gun shop anywhere in America, they made their way to Puerto Rico. We haven't even seen, my mother tells me, I call her every day, and she reads the paper and it says that we are starting to see beheadings the way _____ through Mexico. You know why? Because they are finding their way to Puerto Rico. The largest presence of the FBI and DEA in any State, okay? It is in Puerto Rico. They have so much crime and drugs over there and you think the criminals are going to obey the laws you going to place on Maryland citizens? They haven't obeyed them anywhere. And what I am telling you, sir, is that I have seen these in Mexico, 50,000 massacred civilians by drug cartels and corrupt policemen because only in Mexico, only the cartels and the policeman and the military have guns. You can't own anything over a 38 special or a 22. I tried to get a license in Puerto Rico twice when I was stationed there with the Navy. It took me a year and a half the first time, two years the second time. I got carjacked twice, armed robbery in my house, I got assaulted at gunpoint. I got stabbed. The same thing happened to me in Honduras which is the most violent country in the world and Puerto Rico, one more factor enjoys the W's Award from the U.N. 12,000 murders,

95% of them by gun. The highest in the world and only 100,000 people have licenses and those are to be, you even need a license to have it in your house. I am not talking about carry license. So I tell you with my experience traveling through life in America and Puerto Rico, home of 4,000,000 Americans, mostly Democrats, 75% are Democrat, that you are making a mistake nothing that you pass on this Bill is going to help prevent a criminal from breaking the law.

Thank you very much. Let's hear from Delegate McDermott.

Thank you for having me here today. Let me ask you, the provisions that are in the Bill that are going to address training and the infrastructure that is going to be required, in your experience out in, particularly out in rural Maryland, how, do you even see the infrastructure in the State in your areas to accommodate the ranges and all the other provisions that the Bill seems to lay out in a mandate form?

Delegate, that is a great question. I can tell you that in Southern Maryland, actually the three Sheriff's offices don't even have a range. We have to borrow ranges for a citizen or a law abiding citizen that has a firearm to find a place to train or receive training is very very difficult.

How about Wicomico and that area, Sheriff?

Wicomico County Sheriff's Office, we do not have a range. We have to go to the eastern correctional institution down in Summerset County. We have to drive all the way down there just to qualify our own deputies. These ranges do not exist due to liability reasons. I have no idea how this is going to be facilitated if it is passed.

In your experience with the State Police, when State Police on the eastern shore, where do they go for their range training?

They have to go up to Queen Anne's County and/or Chestertown from the, and/or go to ECI. We used to go to ECI, now we go up to Chestertown.

So it is safe to say that we really can't accommodate this type of training at least right now in Maryland.

Logistically I have no idea how this will occur.

Thank you very much.

Yes sir.

Delegate McDermott.

Mr. Chairman, I thought this question would have been more appropriate for the Governor but I think it might be appropriate based on your testimony. I think this Bill is dishonest because I don't think it really covers gun violence. There were 195 murders in Baltimore City last year. 70% were committed by convicted felons on parole. Maryland has the highest rate of early release of convicted felons of gun crimes in the United States. Nobody in the press, the Governor, nobody wants to talk about that. Now, I have a Bill which I am going to convert into an Amendment to this Bill. It is House Bill 424 and what that Bill does is it says that if you commit a crime of violence with a gun there will be no early release, no parole and no plea bargain. You will serve your time. In Baltimore City that would have turned the murder rate into 65 instead of 217, but 195 by gun. Now, in your opinion, is that an important part of this whole debate on gun violence and this Bill that is being left out?

I certainly believe it is, Sir. Absolutely. On October 17, 1995, Trooper First Class Eddie Plank was shot and killed during a traffic stop in Summerset County Maryland, shot through the face with a 45 caliber handgun by a three time convicted felon, a man who 14 months earlier had been convicted of cocaine trafficking with a firearm and sentenced to 12 years in prison and 14 months later he was out and he killed a Maryland State Trooper. 13 weeks after that, I made a traffic stop on U.S. Route 13, got into a struggle with a convicted felon with two previous armed

robbery convictions, both with a firearm, we fought for control of my weapon and I ultimately had to shoot and kill him. If we were to keep these individuals behind bars where they belong we would be a much safer society and enforce the current laws we have on the books. That is all we are asking. We do not need new legislation.

Well this general assembly every year, including last year, they created a new college within the present system that allows criminal violent offenders except for murderers with my amendment prohibited, to go to that college free of charge and as a result to get early release, and I think the mentality is inconsistent and somewhat hypocritical in this general assembly that if you are always going to promote legislation for early release and at the same time claim that you want to prevent gun violence, that there is somewhat a hypocrisy there, would you not agree that this legislature can't contribute to preventing gun violence if every year it contributes to the part of the problem which is early release. I certainly do agree, sir. Thank you very much.