

Chairwoman Bevins and
Baltimore County Councilmembers
Baltimore County Council
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Testimony of Christa Nicols, Legal Counsel for Policy at Brady
In support of Bill No. 72-19, Secure All Firearms Effectively (SAFE) Act
Before the County Council of Baltimore County, Maryland
January 14th, 2020

Chairwoman Bevis and Other Distinguished Members of the County Council of Baltimore County,

On behalf of Brady, I would like to thank the County Council of Baltimore County for holding this hearing and for the opportunity to comment on the importance of preventing the theft of firearms and their diversion to the criminal market. Brady is one of America's oldest gun violence prevention organizations, working across Congress, the courts, and communities, uniting gun owners and non-gun owners alike, to end America's gun violence epidemic. Our organization carries the name of former White House press secretary Jim Brady, who was shot and severely injured in the assassination attempt on President Ronald Reagan. Jim and his wife, Sarah, led the fight to pass federal legislation requiring background checks for gun sales.

Brady supports Bill No. 72-19, the Secure All Firearms Effectively (SAFE) Act because it will ensure that fewer firearms are stolen and diverted to people that are prohibited from purchasing firearms legally. The SAFE Act is a common-sense regulation that will help combat the concerning uptick in stolen guns across the country and protect residents of Baltimore County from the unique risk to public safety that stolen guns pose.

Stolen guns pose a public safety risk

Stolen guns pose a significant risk to public safety because these guns are easily diverted to the criminal market and ultimately recovered at the scenes of violent crimes, including homicides and robberies. The

SAFE Act will protect Baltimore County residents because the research suggests that most stolen guns are recovered in connection with crime near the location where the theft took place.¹

The risk to public safety is not negligible. Once stolen, the guns cannot be traced by law enforcement, which severely undermines criminal investigations that involve guns. Further, data from the Federal Bureau of Investigation (FBI) provides that approximately 22,000 guns were stolen from retailers between 2012 and 2015.² That number is alarming. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) expressed concerns about persistent theft from licensed dealers in 2018, calling it one of the agency's primary "external challenges." In the absence of any federal or state security requirements, dealers in Maryland may accept suggestions from law enforcement and regulators on a voluntary basis despite the high risk of theft.³ Criminals are taking note of the gap in the laws.

Theft from gun retailers is on the rise

Gun theft generally is on the rise across the country because stolen guns are very easy for criminals to sell. The chief of the ATF's Intelligence Unit said: "[g]uns are the hottest commodity out there, except for . . . cold, hard cash."⁴ Theft from gun retailers specifically is also increasing at an alarming rate. According to data on theft from licensed dealers from the ATF, burglaries increased 48 percent and robberies increased 175 percent between 2012 and 2016.⁵

Baltimore County saw seven firearms stores burglarized on ten occasions over the last two years.⁶ A single one of these thefts likely diverted 51 guns to the criminal market.⁷

Reasonable security measures will reduce the volume of stolen firearms diverted to crime

Reporting from the Baltimore Sun suggests that many retail establishments in the county do not consistently, comprehensively, and effectively secure their firearms inventory. Research published in 2018 found that changes in security requirements proved effective.⁸ States with physical security

¹ Brian Freskos, *Missing Pieces: Gun theft from legal owners is on the rise, fueling violent crime across America*, THE TRACE (Nov. 20, 2017) available at

<https://www.thetrace.org/features/stolen-guns-violent-crime-america/>

² Chelsea Parsons and Eugenio Weigend Vargas, *Stolen Guns in America: A State-by-State Analysis*, CENTER FOR AMERICAN PROGRESS (Jul. 25, 2017) available at

<https://www.americanprogress.org/issues/guns-crime/reports/2017/07/25/436533/stolen-guns-america/>

³ *Id.*

⁴ Freskos, *supra*.

⁵ <https://www.americanprogress.org/issues/guns-crime/reports/2017/07/25/436533/stolen-guns-america/>

⁶ Parsons, *supra*; see also Wilborn P. Nobels III, *Baltimore County Executive Proposes New Gun Shop Security Rules to Prevent Stolen Firearms*, BALTIMORE SUN (Nov. 25, 2019) available at <https://www.baltimoresun.com/maryland/baltimore-county/bs-md-co-county-gun-shops-20191126-3567tkcvjfeopacrgotra7kugm-story.html>

⁷ Keith Daniels, *How Would Baltimore County's "SAFE Act" Affect Gun Store Owners?*, FOX BALTIMORE (Nov. 27, 2019) available at

<https://foxbaltimore.com/news/local/how-would-baltimore-countys-safe-act-affect-gun-stores-owners>

⁸ Brian Freskos, *Easy Targets: Tracking Stolen Firearms Through the Black Market, From Gun-Store Theft to Crime Scenes*, THE NEW YORKER (Feb. 7, 2019) available at

requirements experience a lower rate of firearms theft from licensed dealers. For example, the state of New Jersey has implemented comprehensive security mandates for licensed firearm retailers, and the ATF recorded 10 stolen firearms within the state between 2012 and 2016. Conversely, Maryland had 354 stolen firearms recorded during that same period.⁹

Efforts by the Council to reduce gun thefts will protect public safety. Currently, licensed dealers in Baltimore County are not subject to any legal requirements under federal or state law to secure their firearm inventory, setting them apart from any other businesses in the state that store and sell dangerous products. Pharmacies and cannabis dispensaries operating within the state are required by law to implement minimum theft prevention measures.

The security measures proposed under the SAFE Act are reasonable and consistent with the ATF's published security best practices. For example, licensed dealers are encouraged to take steps to secure physical access to the building, maintain functioning video camera systems, and take move all firearms from display cases into secured vaults after business hours.¹⁰

Additionally, reasonable security requirements provided by the SAFE Act constitute a permissible use of the Council's authority, as the measure falls squarely within the exception outlined in Section 4-209(b) of the state's firearm preemption law. The SAFE Act expressly states that the legislation only applies to retailers operating within 100 yards of a place of public assembly.

Conclusion

Brady applauds the Baltimore County Council for taking action to ensure that licensed dealers implement effective security measures to prevent against gun theft.

<https://www.newyorker.com/news/news-desk/why-thieves-target-gun-stores> (discussing a study jointly published by the New Yorker and the Trace).

⁹ Parsons at Table 1.

¹⁰ ATF, *Safety and Security Information for Federal Firearms Licensees*, ATF. Pub. 3317.2 at 9-10 (2010) available at

<https://www.atf.gov/firearms/docs/guide/safety-and-security-information-federal-firearms-licensees-atf-p-33172/download>