



To: Delegate Jesse T. Pippy, Minority Whip
CC: Delegate Rachel Muñoz
From: John H. Josselyn
Subject: House Bill 824 – Proposed Floor Amendments
Date: March 12, 2023

Rationale:

The State has positioned itself as a demanding task master rather than assuming a positive role as a partner in promoting firearms safety and responsible firearms ownership. It has done nothing to create a training curriculum that is consistent statewide.

The NRA's training policy and curriculum for each course is quite clear. Each instructor is responsible for teaching any given course exactly as written. A firearm training student in Maryland should receive the same course as a student taking that course from any other instructor in Maryland or in any other state.

Most firearms instructors are not attorneys, which is why the NRA does not permit instructors teaching NRA courses to instruct on matters of law. The instructor has an obligation to recruit an attorney or law enforcement officer to provide instruction on these topics.

HB 824 adds federal firearms laws to the required curriculum. It is difficult enough to teach Maryland's convoluted firearms laws much less adding federal laws. This is especially true given that Maryland's laws often conflict with federal law. The existing statute is vague and does not specify or even hint at which statute sections should be included in each course. (HQL or CCW).

Maryland has no statutes addressing self-defense, justifiable use of force, deadly force, the proportional use of force in self-defense or conflict de-escalation and resolution. Only case law exists a that is virtual minefield for persons neither educated nor experienced in such matters. It is doubtful that any instructors would know how to search out which instances of case law legally apply. Further, case law is based on a specific incident and the ruling in any given case is easily misinterpreted by those who are not attorneys.

Firearms instructors have experience and expertise in firearms safety and storage, operation, mechanisms, shooting techniques, maintenance etc. As a rule, firearms instructors have no knowledge or expertise in social interaction in stressful or hostile environments.

Firearms instructors are not attorneys, psychiatrists, psychologists, social workers or mental health counselors. To expect instructors to teach these topics is poor public policy and a recipe for failure.

Most firearms instructors do carry professional liability insurance to protect themselves from civil lawsuits. Demanding that instructors teach course content they are unqualified to teach make them a target for civil lawsuits. It should be noted that the legislature declined to provide instructors with any level of civil immunity when required training was added as part of the Firearms Safety Act of 2013.

The proposed amendment versions are simply an effort to establish sound and consistent public policy to promote firearms safety in Maryland.

Political Considerations

Senate Bill 1 which is currently on 3rd Reader in the Senate, contains language which is similar to, but more extensive than, the same sections of HB 824 the proposed amendment versions address. The attached amendments were given to the Senate but were not offered on the floor.

The proposed amendments are needed and logical, even if HB 824 passes in the House and becomes law, they will still benefit gun owners and especially instructors.

The Deputy Secretary for Public Health Services is already charged with developing a youth suicide prevention and firearm safe storage guide under SB 858 Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn’s Law) which is on third reading in the Senate so it is not an undue burden or unreasonable to add a similar responsibility under either House Bill 824 or Senate Bill 1.

It is our expectation that at some point in the process, Senate Bill 1 and House Bill 824 will be rationalized to become two identical bills. If that happens and the proposed amendment in either version is included, there is a chance that it may survive to become law. There is also the possibility that both bills will advance and they become mired in a parochial contest between the two Chambers.

If the amendment is offered and fails, the minority party is on record as having taken the public policy high ground should the issue of course content and consistency ever arise.

If you believe it beneficial, I can send a variant of the attached amendments crafted to suit the language of Senate Bill 1 for use in the Judiciary Committee when Senate Bill 1 crosses over to the House which will occur sometime this week.

HB 824 Proposed Floor Amendments

Version 1

§5-306 [(5)] (9)

(IV) THE OFFICE OF THE MARYLAND ATTORNEY GENERAL SHALL DEVELOP, PUBLISH, UPDATE AND DISTRIBUTE AS NEEDED TO ALL STATE CERTIFIED FIREARMS INSTRUCTORS A CURRICULUM OF INSTRUCTION FOR THE FOLLOWING:

1. STATE AND FEDERAL FIREARM LAWS
2. STATE SELF-DEFENSE LAW AND APPLICABLE CASE LAW, INCLUDING:
 - A. THE JUSTIFIABLE USE OF FORCE OR DEADLY FORCE
 - B. THE PROPORTIONAL USE OF FORCE IN SELF DEFENSE
 - C. CONFLICT DE-ESCALATION AND RESOLUTION

(V) THE MARYLAND DEPARTMENT OF HEALTH AND MENTAL HYGIENE (**NOTE:** OR AS AN ALTERNATIVE, THE DEPUTY SECRETARY FOR PUBLIC HEALTH SERVICES TO BE CONSISTENT WITH OTHER SECTIONS OF HB 824) SHALL DEVELOP, PUBLISH, UPDATE AND DISTRIBUTE AS NEEDED TO ALL STATE CERTIFIED FIREARMS INSTRUCTORS A CURRICULUM OF INSTRUCTION FOR CONFLICT DE-ESCALATION AND RESOLUTION.

Version 2

§5-306 [(5)] (9)

(IV) THE OFFICE OF THE MARYLAND ATTORNEY GENERAL AND THE MARYLAND DEPARTMENT OF HEALTH AND MENTAL HYGIENE (**NOTE:** OR AS AN ALTERNATIVE, THE DEPUTY SECRETARY FOR PUBLIC HEALTH SERVICES TO BE CONSISTENT WITH OTHER SECTIONS OF HB 824) SHALL DEVELOP, PUBLISH, UPDATE AND DISTRIBUTE AS NEEDED TO ALL STATE CERTIFIED FIREARMS INSTRUCTORS A CURRICULUM OF INSTRUCTION FOR THE FOLLOWING:

3. STATE AND FEDERAL FIREARM LAWS
 4. STATE SELF-DEFENSE LAW AND APPLICABLE CASE LAW, INCLUDING:
 - D. THE JUSTIFIABLE USE OF FORCE OR DEADLY FORCE
 - E. THE PROPORTIONAL USE OF FORCE IN SELF DEFENSE
 - F. CONFLICT DE-ESCALATION AND RESOLUTION
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