

Testimony before the Maryland State Senate Judiciary Committee on SB1

John R. Lott, Jr.

President

Crime Prevention Research Center

johnrlott@crimeresearch.org

February 7, 2023



I would like to thank Chairman William Smith, Michael McKay who invited me to testify, and the other distinguished members of the committee for the opportunity to speak to you.

SB1 proposes to [ban](#) the “transport of a firearm within 100 feet of a place of public accommodation.”¹ That is a long list of places, from hotels to restaurants, movie theaters, sports arenas, and retail establishments.

The implications of the Supreme Court’s Bruen Decision.

Take what Justice Thomas [wrote](#) in his Bruen decision last June. There are three passages that summarize the issue of sensitive places where concealed handguns can be banned.²

p. 17 -- “The test that we set forth in Heller and apply today requires courts to assess whether modern firearms regulations are consistent with the Second Amendment’s text and historical understanding.”

p. 21 -- “Heller’s discussion of ‘longstanding’ ‘laws forbidding the carrying of firearms in sensitive places such as schools and government buildings.’ 554 U. S., at 626. Although the historical record yields relatively few 18th- and 19th-century ‘sensitive places’ where weapons were altogether prohibited—e.g., legislative assemblies, polling places, and courthouses—we are also aware of no disputes regarding the lawfulness of such prohibitions.”

p. 22 -- “expanding the category of ‘sensitive places’ simply to all places of public congregation that are not isolated from law enforcement defines the category of

‘sensitive places’ far too broadly. Respondents’ argument would in effect exempt cities from the Second Amendment and would eviscerate the general right to publicly carry arms for self-defense that we discuss in detail below. See Part III–B, *infra*. Put simply, there is no historical basis for New York to effectively declare the island of Manhattan a ‘sensitive place’ simply because it is crowded and protected generally by the New York City Police Department.”

The bottom line is clear. If the text of the Amendment or the debate over it isn’t clear, the courts should look at the laws in common use (not a few outliers) at the time of adoption for the 2nd or 14th Amendments. Thomas noted that sensitive places during those earlier periods were common for “legislative assemblies, polling places, and courthouses.” While Thomas seemed open to historical evidence on other places that banned carrying guns, the list of places provided in SB1 clearly bans guns in any place where the public congregates, which is explicitly what the Bruen decision indicates would be struck down.

Nor has this extensive list of gun-free zones even been observed in any state laws until recently, so proponents for the gun-free zones can’t even point to these prohibitions being in common use no. Indeed, the seven May-Issue states, of which Maryland had been one up until the Bruen decision, had relatively few gun free-zones. But New Jersey’s [new law](#) now bans permitted concealed handguns in public places.³ New York’s [new law](#) is much more restrictive than its previous list of sensitive locations.⁴ But even New York’s law doesn’t go as far as SB1. For example, instead of banning guns in all restaurants, it limits the ban to places that serve alcohol. In 2021, [16 states banned guns in bars](#), and no states had a blanket ban in restaurants that served alcohol.⁵

While California’s Governor Gavin Newsom is calling to change the state’s law so that carrying guns would now be banned in [churches, public libraries, zoos, amusement parks, playgrounds, banks and other privately-owned businesses](#), the legislation has yet to be passed.⁶

Will Gun-free Zones increase Public Safety?

Maryland is moving to create more gun-free zones, though relatively few people in the state have a concealed handgun permit. By the end of 2022, there were [85,266 permits](#) – one permit holder for every 55 adults.⁷ By comparison, there is one permit holder for every nine people in the 43 right-to-carry states.⁸

Permit holders are [extremely law-abiding](#) and lose their permits for any firearms related violations at thousandths or tens of thousandths of one percent.⁹ Permit holders are convicted of firearms-related violations [at 1/12th the rate of police officers](#).¹⁰ Also relevant is that while the revocation rate for permit holders is low in all states, it is actually [lower for Right-to-Carry states than for May-Issues states](#) such as Maryland.¹¹

Unsurprisingly, concealed handgun permit holders don’t stop mass public shootings in states such as Maryland or California or other very restrictive states. But they do make a difference in the 43 states where there are a lot of permit holders. Indeed, [people legally carrying guns](#)

[stopped at least 31 mass public shootings since 2020](#).¹² And when Americans are allowed to legally carry concealed handguns, they [stop about half the active shooting attacks in the US](#).¹³

It is hard to ignore that these mass public shooters purposefully pick targets where they know their victims cannot protect themselves. Yet, the media refuses to discuss that these mass murderers often discuss in their diaries and manifestos how they pick their targets. For example, the Buffalo mass murderer last year wrote in his manifesto explaining why he chose the target that he did: [“Areas where CCW are outlawed or prohibited may be good areas of attack”](#) and [“Areas with strict gun laws are also great places of attack.”](#)¹⁴

That is a [common theme](#) among mass murderers.¹⁵ These killers may be crazy, but they aren't stupid. Their goal is to get media coverage, and they know that the more people they kill, the more media attention they will receive. And if they go to a place where their victims are defenseless, they will be able to kill more people.

Even if an officer is in the right place at the right time, a single uniformed police officer has an almost impossible job in stopping mass public shootings. An officer's uniform is a neon sign saying, “Shoot me first.” Once the murderer kills the officer, the attacker has free rein to go after others. But where concealed carry is allowed, the attacker will have to worry that someone behind him is also armed.

Take school shootings: Twenty states, with thousands of schools, have armed teachers and staff. [There has not been one attack](#) at any of these schools during school hours since at least 2000 where anyone has been killed or wounded.¹⁶ All the attacks where people have been killed or wounded occurred in schools where teachers and staff can't have guns.

Newsom's approach contrasts sharply with another country that faces constant terrorist attacks. After a Jan. 27 mass public shooting in Israel left seven people dead, Israel Prime Minister Benjamin Netanyahu [declared](#): “Firearm licensing will be expedited and expanded in order to enable thousands of additional citizens to carry weapons.”¹⁷

Unfortunately, Maryland's strict gun control laws create fertile ground for successful mass public shootings. But the new push for more gun-free zones is guaranteed to give mass murderers and other criminals even more hunting grounds.

Many promised that Maryland's 2013 Firearms Safety Act would lower the state's crime rates. Take the pre-pandemic data. The act instituted handgun licensing and training requirements that added hundreds of dollars and months of delay to a purchase, and handgun sales in the state plummeted by 36% from 2012 to 2019. Meanwhile, between 2012 and 2019, Maryland's murder rate rose [three times faster](#) than the national rate and [four times faster](#) than in neighboring states.¹⁸ The state's robbery rate also got much worse relative to either the national or neighboring rates.

Conclusion.

Criminals like to attack defenseless victims and they are attracted to gun-free zones. Indeed, [94% of mass public shootings occur in places where guns are banned](#).¹⁹ But the legislature has

to also consider what the courts are likely to decide after the Supreme Court's Bruen decision this past June, and the Supreme Court

Endnotes

¹ <https://mgaleg.maryland.gov/2023RS/bills/sb/sb0001F.pdf>

² New York State Rifle & Pistol Assn., INC. v. BRUEN (<https://www.law.cornell.edu/supremecourt/text/20-843>).

³ New Jersey Bill A4769 (https://www.njleg.state.nj.us/bill-search/2022/A4769/bill-text?f=A5000&n=4769_R2).

⁴ New York State, "Frequently Asked Questions: New Concealed Carry Law," (<https://gunsafety.ny.gov/frequently-asked-questions-new-concealed-carry-law>).

⁵ Crime Prevention Research Center, "All 50 states now allow you to carry a concealed handgun in restaurants that serve alcohol," Crime Prevention Research Center, February 19, 2021 (<https://crimeresearch.org/2021/02/all-50-states-now-allow-you-to-carry-a-concealed-handgun-in-restaurants-that-serve-alcohol/>).

⁶ Louis Casiano, "California Gov. Gavin Newsom endorses even stricter gun control after string of mass shootings," Fox News, February 1, 2023 (<https://www.foxnews.com/politics/california-gov-gavin-newsom-endorses-stricter-gun-control-string-mass-shootings>).

⁷ Scott Broom, "Legislators aim to restrict where guns can be carried in Maryland," WUSA 9, January 12, 2023 (<https://www.wusa9.com/article/news/local/maryland/maryland-gun-permits-soar-as-legislators-aim-to-restrict-where-they-can-be-carried-in-the-state/65-34b765bf-c8b8-439b-9f10-a3ef9d1e1aaf>).

⁸ John R. Lott, Jr., "Concealed Carry Permit Holders Across the United States: 2022," Social Science Research Network, December 12, 2022 (https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4279137).

⁹ Ibid.

¹⁰ Ibid.

¹¹ John R. Lott, Jr., "Concealed Carry Permit Holders Across the United States: 2021," Social Science Research Network, October 11, 2021 (https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3937627).

¹² Crime Prevention Research Center, "UPDATED: Compiling Cases where concealed handgun permit holders have stopped likely mass public shootings," August 24, 2022 (<https://crimeresearch.org/2022/08/uber-driver-in-chicago-stops-mass-public-shooting/>).

¹³ Crime Prevention Research Center, "Massive errors in FBI's Active Shooting Reports regarding cases where civilians stop attacks: Instead of 4.4%, the correct number is at least 34.4%. In 2021, it is at least 49.1%. Excluding gun-free zones, it averaged over 50%," Crime Prevention Research Center, October 3, 2022 (<https://crimeresearch.org/2022/10/massive-errors-in-fbis-active-shooting-reports-regarding-cases-where-civilians-stop-attacks-instead-of-4-4-the-correct-number-is-at-least-34-4-in-2021-it-is-at-least-49-1-excluding-gun-free-zon/>).

¹⁴ Crime Prevention Research Center, "New York Mass Public Shooter Explicitly targeted: 'areas where CCW are outlawed or prohibited may be good areas of attack' 'areas with strict gun laws are also great places of attack,'" Another Socialist/Environmentalist," Crime Prevention Research Center, May 14, 2022 (<https://crimeresearch.org/2022/05/new-york-mass-public-shooter-explicitly-targeted-areas-where-ccw-are-outlawed-or-prohibited-may-be-good-areas-of-attack-areas-with-strict-gun-laws-are-also-great-places-of-attack/>).

¹⁵ Crime Prevention Research Center, "UPDATED: How mass killers pick out venues where their victims are sitting ducks," Crime Prevention Research Center, June 1, 2022 (<https://crimeresearch.org/2015/06/vince-vaughn-explains-the-obvious-how-mass-killers-pick-out-venues-where-their-victims-are-sitting-ducks/>).

¹⁶ John R. Lott, Jr., "Schools that Allow Teachers to Carry Guns are Extremely Safe: Data on the Rate of Shootings and Accidents in Schools that allow Teachers to Carry," Social Science Research Network, April 25, 2019 (https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3377801).

¹⁷ Bradford Betz, "Israel to 'expedite' gun licenses after deadly shooting near Jerusalem synagogue," Fox News, January 29, 2023 (<https://www.foxnews.com/world/israel-expedite-gun-licenses-deadly-shooting-near-jerusalem-synagogue>).

¹⁸ United States Crime Rates 1960 – 2019 (<https://www.disastercenter.com/crime/uscrime.htm>).

¹⁹ Crime Prevention Research Center, "UPDATED: Mass Public Shootings keep occurring in Gun-Free Zones: 94% of attacks since 1950," June 15, 2018 (<https://crimeresearch.org/2018/06/more-misleading-information-from-bloombergs-everytown-for-gun-safety-on-guns-analysis-of-recent-mass-shootings/>).