



President
Mark W. Pennak

March 6, 2018

WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MARYLAND SHALL ISSUE, IN SUPPORT OF HB 758

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is an all-volunteer, non-partisan organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of the District of Columbia. I recently retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland Firearms Law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License (“HQL”) and a certified NRA instructor in rifle, pistol and personal protection in the home and personal protection outside the home. I appear today as President of MSI in support of HB 758.

House Bill 758 would amend MD Code, Public Safety, § 5-306(a)(6) to make clear that a person who has the written consent of a church may be issued a wear and carry permit for self protection or for the protection of others while on church property. The bill would likewise amend MD Code, Public Safety, § 5-307 to provide that any restrictions on the permit would allow the person granted a permit for this reason would allow the person to carry a handgun during religious services and gatherings and to and from such gatherings.

This bill makes sense. It simply cannot be denied that churches are targets. Examples of such shootings abound, including First Baptist Church in Sutherland Springs, Texas in November 2017, the Emanuel African Methodist Episcopal Church in Charleston, SC in 2015, the Burnette Chapel Church of Christ in Antioch, Tennessee, in September 2017, the shooting at the Islamic Cultural Centre of Quebec City on January 29, 2017, a pair of shootings occurred at the Jewish Community Center of Greater Kansas City and Village Shalom on April 13, 2014, the shooting that took place at the Tennessee Valley Unitarian Universalist Church in Knoxville, Tennessee on July 27, 2008, the mass shooting at the gurdwara (Sikh temple) in Oak Creek, Wisconsin on August 5, 2012. These attacks on churches are nothing new. No one can forget the September 15, 1963, bombing of African-American 16th Street Baptist Church in Birmingham, Alabama on September 15, 1963. Yet, as the foregoing examples illustrate, there is also no denying the frequency of attacks have dramatically increased recently. Churches and their congregations are justifiably frightened and need protection.

HB 758 provides an opportunity for churches to enlist their own members and parishioners to protect them from these sorts of attacks. Such measures are realistic and appropriate. For example, the attack in Sutherland Springs was stopped by a private citizen using his privately owned, modern sporting rifle. <http://www.mysanantonio.com/news/local/article/A-Sutherland-Springs-hero-ducks-the-limelight-12346367.php>. An attack was stopped by an armed parishioner at a shooting Burnette Chapel Church of Christ in Antioch, Tennessee. <https://www.theblaze.com/news/2017/09/25/meet-the-good-guy-with-a-gun-who-stopped-a-mass-shooting-at-nashville-area-church>. Similarly, a mass church shooting in Colorado Springs in December of 2007 was stopped by the shooter being shot by a church member with a concealed carry permit. https://en.wikipedia.org/wiki/2007_Colorado_YWAM_and_New_Life_shootings. The harsh reality is that the police cannot prevent such shootings; they only rope off the scene and investigate after the carnage has occurred. Churches officials should be empowered to protect themselves and their congregations.

Nothing in current law addresses this need. MD Code, Criminal Law § 4-203(b)(7) allows “supervisory employees” to carry at the place of business, but it is questionable that the term “supervisory employee” even applies to a church and the term would certainly not allow a church to enlist the aid of parishioners and others who are not “employees” of the church. A wear and carry permit is the only option for such carry. Nothing in this bill would change other requirements for a permit, including the background investigations and the extensive training otherwise required by Maryland law. Permits under this bill are predicated on the “written consent” of the “governing board” of a church. Churches know their congregations and can be relied upon to exercise great care in endorsing individuals for this sort of carry. We urge a favorable report.

Sincerely,



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