



President  
Mark W. Pennak

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## WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MARYLAND SHALL ISSUE, IN SUPPORT OF HB 760

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 and, personally, as a father, in support of HB 760.

House Bill 760 would amend Section 4-102 of the Criminal Law article to exempt persons authorized by a county board of education from the Section’s ban on the possession of firearms on public school property. The bill also amends Section 3-104 of the Education article to provide that a county board “may authorize school employees” to carry a concealed handgun on school property. Finally, the bill would amend MD Code, Public Safety, § 5-306(a)(6) to make clear that the State Police shall issue a handgun carry permit to a person who has been authorized by the county board to carry a handgun on school property. The bill does not obligate any school employee to carry or even to apply for a carry permit. Such participation is entirely voluntary. The training requirements and other prerequisites otherwise imposed by Section 5-306 still obtain for all such persons authorized by the county board. No school board is required to issue such authorizations. Rather, such matters are left entirely up to the school boards and individual employees.

This bill makes sense and is sorely need. It simply cannot be denied that schools are targets and there is no denying that the frequency of attacks have increased recently. Under current law, schools are soft targets, as they are gun free zones. The numbers are chilling: between 1950 and 2016, **98.4%** of all mass shootings (as defined by the FBI) have taken place in gun free zones. <https://crimeresearch.org/2014/09/more-misleading-information-from-bloombergs-everytown-for-gun-safety-on-guns-analysis-of-recent-mass-shootings/>. Between 1998 and December 2015, the percentage is **96.2%**. Mass shooters are drawn to gun free zones as they know that they will be unopposed to extended periods while they commit their horrific rampages. <https://www.nationalreview.com/2014/01/cruelty->

[gun-free-zones-john-r-lott-jr/](#) No sane person would post a “gun free zone” sign in front of their homes. Yet, that is what Maryland law essentially does to schools. Under Section 4-102 only law enforcement officers may carry a handgun on public school property. A school board is not even authorized to allow a handgun permit holder to do so, even though it is widely acknowledged that permit holders are literally the most law-abiding individuals in the Nation, with a crime rate substantially lower than commissioned police officers. See Concealed Carry Permit Holders Across the United States: 2017 (July 18, 2017) available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3004915](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3004915). This bill would be even more limited, as it applies only to “school employees” who likewise have been already vetted for their employment.

Substantial number of states allow this sort of authorized carry in schools. <https://www.inverse.com/article/41606-which-states-allow-teachers-to-carry-guns> Some states require permits, some states require additional training, but only a minority of states are like Maryland and basically ban all protection on school property. (Id.). Moreover, highly specialized training for school employees is available for **free**. An acclaimed Ohio company, Buckeye Firearms Foundation, a 501(c)(3) public charity, has created the “FASTER” program devoted to training selected school staff members who are willing, competent and capable of carrying in the schools. <https://www.inverse.com/article/41606-which-states-allow-teachers-to-carry-guns>. Under this bill, school boards could elect to send willing employees to this program. The FASTER program pays for tuition and lodging of the participants. (Id.). “The program offers a carefully-structured curriculum offering over 26 hours of hands-on training over a 3-day class that exceeds the requirements of the Ohio Peace Officer Training Academy.” <http://fastersaveslives.org/about>. This training would be **in addition to** the 16 hours of training required to obtain a Maryland carry permit under Section 5-306. It is past time to act. This issue is debated on this recent WMUL Washington, D.C. radio broadcast. Every responsible legislator who cares about our children should listen with an open mind. <http://fastersaveslives.org/faster-saves-livess-joe-eaton-on-washington-d-c-public-radio>.

The FASTER program recognizes that when violence strikes and students’ lives are on the line, every second matters. That harsh reality is undeniable and it commands a response. Without this bill, county boards’ hands are tied, as they may not authorize any person to carry on school property. County boards should have this choice. For the sake of our children, we urge a favorable report.

Sincerely,



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