

# EVERY 48 HOURS

An Analysis Of Assault Rifles  
Traced To Crime In Maryland

September 2006



**CEASE FIRE MARYLAND** WORKING TO FREE MARYLAND FROM GUN VIOLENCE

**CeaseFire Maryland, Inc.** is a 501(c)4 nonprofit organization that advocates for policies to prevent and reduce gun violence in Maryland.

This report was authored by CeaseFire Maryland Inc. Board Member Susan Peschin, MHS. We thank Gerald A. Nunziato and Crime Gun Solutions for providing us with the Bureau of Alcohol, Tobacco, Firearms and Explosives crime gun tracing data.

To order a copy of this report, please write to CeaseFire Maryland, Inc., P.O. BOX 130 West Bowie, MD 20719-0130. The report is also available for download at [www.ceasefiremd.org](http://www.ceasefiremd.org)

## **INTRODUCTION**

For years, the vast majority of Americans have recognized that military-style assault weapons have no place on our streets and in our communities. These high-powered killing machines threaten the safety of our neighborhoods and the law enforcement officers charged with keeping the peace. Not coincidentally, two of America's most notorious mass murders involved high-powered assault weapons. In 1999, the country watched as two high school students armed with assault weapons and shotguns killed 13 and injured 23 before turning the guns on themselves at Columbine High School in Littleton, Colorado. And, closer to home, in 2002, residents in the greater DC Metropolitan area were terrorized by snipers John Allen Muhammad and Lee Boyd Malvo armed with a Bushmaster XM15 assault rifle.

In light of these and other shootings across the country, Marylanders have consistently voiced strong support for a ban on assault weapons. In early 2004, CeaseFire Maryland commissioned a survey of registered voters and found that 74 percent favored banning assault weapons, including 79 percent of women and 70 percent of men. Support was also bipartisan with 66 percent of Republicans supporting a ban.<sup>1</sup>

Despite the threat these guns pose and public support to ban them, they remain readily available. Hoping to shed additional light on the availability and use of these weapons, CeaseFire Maryland has taken a look at the frequency with which assault weapons are traced to crime in the state. The result is very alarming.

## **EVERY 48 HOURS**

According to an analysis of firearms tracing data from the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) from January 2, 1998 to December 31, 2001—the last year data was publicly available<sup>2</sup>—reveals that **on average, assault weapons are so frequently used in crime that one assault rifle is traced back to a Maryland crime every 48 hours.**

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<sup>1</sup> CeaseFire Maryland. Senator Robert Garagiola and Delegate Neil Quinter, Prepared by Gonzales Research & Marketing Strategies. February 2004.

<sup>2</sup> Tracing data from 2002 on is unavailable because of Congressional restrictions on information release by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Since 2003 the National Rifle Association (NRA) vigorously lobbied behind the scenes to attach riders to federal appropriations bills to prevent ATF from releasing crime gun trace data and information regarding records of multiple handgun sales (where two or more handguns are sold to the same buyer within five days). ATF had made this information available to the public through Freedom of Information Act ("FOIA") requests. FOIA was enacted by Congress in 1966 to give any person the right to request and receive access to documents, files, and other records in the possession of any agency of the federal government. The accessibility of this information is important to inform the public about what the government is or is not doing with regard to matters of public concern and safety, such as firearms trafficking. The restricting legislation is known as the "Tiahrt Amendment" after Congressman Todd Tiahrt (R-KS). Some form of the prohibition has been in place since fiscal year 2004. For more information see *Without a Trace* from the Brady Center to Prevent Gun Violence at <http://www.bradycenter.org/xshare/pdf/reports/giw.pdf> and the Violence Policy Center fact sheet at [http://www.vpc.org/fact\\_sht/Tiahrt109.fs.pdf](http://www.vpc.org/fact_sht/Tiahrt109.fs.pdf).

Overall, the data shows that 789 assault rifles were traced to crime in Maryland over the four-year period, but the actual number of assault weapons traced to crime in the state is likely to be higher.<sup>3</sup> The search for a list of “assault rifles” first identified firearms that had certain common military calibers then narrowed the list by make and model. Entries with unknown makes and models were deleted. Finally, with the exception of the M1 Carbine, only those firearms that would be banned in Maryland under proposed assault weapons legislation from the 2006 legislative session were kept on the list. Therefore, the current data does not capture every assault weapon. According to the tracing data, the most common assault rifles traced to crime by make and model included:

- ✓ 21 Colt AR-15s
- ✓ 46 USA Military Surplus M1 Carbines
- ✓ 55 Ruger Mini14s
- ✓ 92 HiPoint 9mm carbines
- ✓ 294 North China Industries SKS variants

The **AR-15** is the semiautomatic civilian version of the military M-16. The Colt AR-15 was one of the assault weapons banned by name in the now-expired 1994 Federal assault weapons ban. Unfortunately, the original ban included a “grandfather clause” that allowed purchase or possession of firearms that were manufactured prior to the date of enactment of the ban. As a result, these guns are still routinely traced to crime.

The **M1 Carbine**<sup>4</sup> is a lightweight semiautomatic carbine that became a standard firearm in the U.S. military during World War II (during which more than 6 million were manufactured) and the Korean War but was eventually replaced by the M16. The M1 Carbine was designed primarily to offer non-combat and line-of-communications troops a better defensive weapon than a pistol or sub-machinegun, with greater accuracy and range, but without the recoil, cost, or weight (a little more than 5 pounds unloaded) of a full-power infantry rifle. The carbine was also lighter and easier for less experienced soldiers and smaller-framed people to fire than the .30 caliber infantry rifles of the day. With a much-reduced kick compared to the M1 Garand, a soldier would be able to fire multiple aimed shots more rapidly. Starting in the mid-1950s, U.S. military surplus M1 The National Rifle Association sold carbines for as little as \$20. As of 2004, the M1 Carbine was again being manufactured commercially by a subsidiary of Kahr Arms, Auto-Ordnance Company. According to *Guns & Ammo* writer Garry James, “During the Cold War years, thousands of the rifles were sent to various friendly governments and

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<sup>3</sup> Some of the data is redacted so that the numbers provided are less than the numbers actually traced. In addition, it’s up to individual police departments to trace firearms. Since ATF is often perceived by local law enforcement as unwilling to share information, some local departments do not report all gun trace incidents to them.

<sup>4</sup> While these firearms would not be covered under proposed assault rifle ban legislation, there are several reasons why M1Carbines can and should be considered assault weapons. M1 Carbines easily adapt to accepting up to 30 round magazines. There are many accessories available, such as forward grips, flash hiders, and ventilated tubes, which when applied to the gun make its intent to be an assault arm clear. They also easily convert to a folding stock gun and to full-auto (machine gun) fire with an M2 kit. They are more powerful than assault pistol fire and will defeat many forms of soft body armor and outrange the common service arm of most police radio patrol car officers.

many others were sold surplus to U.S. civilians throughout the DCM [Director of Civilian Marksmanship]. Even surplus sales were not enough to satisfy the American public, so M1 carbines were made commercially by several manufacturers--including one in Japan! There are so many variations to the M1 Carbine that the arm is a collector's dream. Add this to the fact that thousands have been brought back into the country in recent years, and you end up with a gun that is just about as popular today as when it was first issued."

The **Mini-14** is a small, lightweight semiautomatic rifle manufactured by Sturm, Ruger. One reason for the popularity of the Mini-14 is that it does not have the menacing appearance that is associated with the AK-47 and M-16. This resulted in most variants of the Mini-14 being specifically excluded from the federal and many state bans on so-called "semiautomatic assault weapons," even though the Mini-14 was functionally equivalent to, and even fired the same ammunition as, other banned firearms. It is considered to be more accurate than the AK-47 and SKS designs that it generally competes with in the civilian market. After a spate of high profile shootings and incidences with the Mini-14 rifle,<sup>5</sup> along with a number of unsavory associations the Mini-14 had gained with militias and extremist movements during the late 1970s and early 1980s, William B. Ruger recognized the dangerous firepower presented by the Mini-14. In 1989, he recommended a prohibition on high capacity magazines—a highly unpopular position amongst firearms owners, users and enthusiasts.<sup>6</sup>

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<sup>5</sup> According to ATF firearms tracing data, analysis by the Violence Policy Center, there were 1,727 Mini-14 rifles traced to crime in the U.S. from 1998 to 2000—620 in 2000 alone. From, *A Further Examination of Data Contained in the Study "On Target" Regarding Effects of the 1994 Federal Assault Weapons Ban*, Violence Policy Center, April 2004.

<sup>6</sup> In his letter to members of the House and Senate on 30 March 1989, Mr. Ruger stated in that which has come to be known as "The Ruger Letter":

The best way to address the firepower concern is therefore not to try to outlaw or license many millions of older and perfectly legitimate firearms (which would be a licensing effort of staggering proportions) **but to prohibit the possession of high capacity magazines. By a simple, complete, and unequivocal ban on large capacity magazines, all the difficulty of defining "assault rifles" and "semi-automatic rifles" is eliminated.** The large capacity magazine itself, separate or attached to the firearm, becomes the prohibited item. A single amendment to Federal firearms laws could prohibit their possession or sale and would effectively implement these objectives.

In addition to the furor amongst hunters, sportsmen and shooters caused by "The Ruger Letter", Mr. Ruger made additional comments during an interview with NBC's Tom Brokaw that angered 2nd Amendment proponents even further, by saying that "no honest man needs more than 10 rounds in any gun..." and "I never meant for simple civilians to have my 20 and 30 round magazines..."

This position, coming from an important firearms manufacturer such as Mr. Ruger, caused outrage in the shooting sports community and led to a boycott of Ruger products that is still practiced by many firearms purchasers to this day. "The Ruger Letter" is widely accepted as being the genesis for legislation that was drafted 5 years later and included in the now defunct Federal assault weapons ban, which prohibited the manufacture of any magazines holding over 10 rounds of ammunition for civilian sale.

While it is unknown what the true motives behind "The Ruger Letter" really were, it is widely speculated that his position on magazine capacity was more a matter of smart business than one of individual philosophy. Given the legislative climate regarding firearms during that time (the late 1980s/early 1990s),

The **Hi-Point 995 carbine** is a very inexpensive semiautomatic pistol caliber carbine. It is constructed primarily of polymers and alloyed metals, which allows it to be produced and sold more cheaply than comparable firearms. Developed during the now defunct 1994 Federal assault weapons ban, the Hi-Point carbine comes with a standard ten round magazine that inserts into the pistol grip. Despite its military appearance, it was developed for the civilian market and was not aimed at police department use. Nevertheless, it has been approved and purchased by a small number of local police departments that cannot easily afford to outfit all of its officers with more expensive long guns. Suggested retail price for the most basic version of the carbine is \$199. Unfortunately, the popular carbine has also gained a level of infamy.<sup>7</sup> A weapon of this type was used by one of the Columbine murderers after he acquired it through an illegal straw purchase at a gun show.

The **SKS rifle** is a “post-ban” version of the AK-47 assault rifle. A 2002 ATF report labeled the SKS “the rifle model most frequently encountered by law enforcement officers” and stated that “these high capacity rifles pose an enhanced threat to law enforcement, in part because of their ability to expel projectiles at velocities that are capable of penetrating the type of soft body armor typically worn by the law enforcement officers.”<sup>8</sup>

The SKS was developed in the late 1940s for use by the Russian military, and was adopted and produced in huge quantities by China through the 1970s. In its original form, the SKS is a gas-powered, semi-automatic rifle with a fixed magazine that holds 10 rounds. The Type 84 is a semi-auto carbine, which was modified to accept AK-47 detachable magazines. Models “D” and “M” stand for “detachable” or “magazine,” as in detachable AK-47 magazine. These are sometimes referred to as “Sportsters.” SKS rifles have been used in several high-profile shootings. One was used by an assailant who killed four people and wounded four others at a Navistar International plant in

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the prospect of an outright ban that may have impacted one of Ruger's most popular and profitable models (the Mini-14) was a very real possibility.

By taking preemptive measures to shift the focus from the “guns” to the “magazine capacity”, this would allow Sturm, Ruger Inc. to continue production with their Mini-14 line of firearms for civilian sale. Any legislation regarding magazines would have had zero impact on their bottom line, given that Ruger maintained a company policy refusing to sell Mini-14 magazines over 5 rounds.

<sup>7</sup> According to ATF firearms tracing data, analysis by the Violence Policy Center, there were 1,391 Hi-Point carbines traced to crime in the U.S. from 1998 to 2000—505 in 2000 alone. From, *A Further Examination of Data Contained in the Study “On Target” Regarding Effects of the 1994 Federal Assault Weapons Ban*, Violence Policy Center, April 2004.

<sup>8</sup> *The Youth Crime Gun Interdiction Initiative—Crime Gun Trace Reports (2000) National Report*, Federal Bureau of Alcohol, Tobacco, Firearms, July 2002, page 22.

Illinois in 2001.<sup>9</sup> Another was used to murder six hunters and wound two others in Wisconsin in November 2004.<sup>10</sup> SKS assault rifles are not banned under current law.

The SKS rifle is a favorite weapon for criminals<sup>11</sup> to use against law enforcement—not only in Maryland, but across the nation:

- On January 9, 2005 an SKS assault rifle was reported by police to have been used in an ambush shooting to murder one police officer and critically wound another in Ceres, CA.<sup>12</sup>
- On August 18, 2004 an Indianapolis, Indiana officer was killed and four others were wounded after responding to a call reporting a man walking in neighborhood streets with an SKS assault rifle.<sup>13</sup>
- In June 2004, three police officers were gunned down and one was injured with an SKS assault rifle when they approached a house in Birmingham, Alabama to serve warrants.<sup>14</sup>

## **WHAT ARE ASSAULT WEAPONS?**<sup>15</sup>

The best way to understand what assault weapons are is to understand what they are not. Assault weapons were not originally intended for competitive shooting or legal for hunting.<sup>16</sup> They do not include lever-action or bolt-action rifles.

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<sup>9</sup> Alex Rodriguez, et al., "Navistar Gunman Got Past Cracks in Gun Law," *Chicago Tribune*, February 7, 2001.

<sup>10</sup> John Diedrich and Lee Bergquist, "6<sup>th</sup> Victim Dies from Sunday's Shooting," *Milwaukee Journal Sentinel*, November 22, 2004.

<sup>11</sup> According to ATF firearms tracing data, analysis by the Violence Policy Center, there were 6,722 SKS rifles traced to crime in the U.S. from 1998 to 2000—2,079 in 2000 alone. From, *A Further Examination of Data Contained in the Study "On Target" Regarding Effects of the 1994 Federal Assault Weapons Ban*, Violence Policy Center, April 2004.

<sup>12</sup> Stacy Finz and Matthew B. Stannard, "Police shoot marine dead after local sergeant is slain: Liquor store's video surveillance camera recorded shootout," *San Francisco Chronicle*, January 11, 2005.

<sup>13</sup> Mary Beth Schneider, "High Demand for Assault Weapons," *Indianapolis Star*, August 19, 2004.

<sup>14</sup> Luke Connell, "Will The Killing Of Three Alabama Officers Bring The Second Amendment Under Fire?" *Birmingham Post-Herald*, June 21, 2004.

<sup>15</sup> Information on assault weapons from, "Bullet Hoses-Semiautomatic Assault Weapons: What Are They? What's So Bad About Them?" Violence Policy Center, May 2003.

<sup>16</sup> According to Maryland Code, §10-416, "A person may not hunt deer with any firearm that uses an ammunition clip holding more than 8 cartridges or bullets. In this paragraph, 'ammunition clip' includes a cartridge or bullet holder called a banana clip."

Semiautomatic assault weapons (like AK and AR-15 assault rifles and UZI and MAC assault pistols) are civilian versions of military assault weapons. There are virtually no significant differences between them.

Civilian assault weapons are not machine guns.<sup>17</sup> They are semiautomatic weapons. The trigger of a semiautomatic weapon must be pulled separately for each round fired. It is a mistake to call civilian assault weapons “automatic weapons” or “machine guns.”

However, this is a distinction without a difference in terms of killing power. Civilian semiautomatic assault weapons incorporate all of the functional design features that make assault weapons so deadly. They are arguably more deadly than military versions, because most experts agree that semiautomatic fire is more accurate—and therefore more lethal—than automatic fire.<sup>18</sup>

The distinctive “look” of semiautomatic assault weapons is not cosmetic. It is the visual result of specific functional design decisions originally made for military use. Their purpose is to lay down a high volume of fire over a wide killing zone, also known as “hosing down” an area. These functional features also distinguish assault weapons from traditional sporting guns.

The most significant assault weapon functional design features are: (1) ability to accept a high-capacity ammunition magazine, (2) a rear pistol or thumb-hole grip, and, (3) a forward grip or barrel shroud. Taken together, these are the design features that make possible the deadly and indiscriminate “spray-firing” for which assault weapons are designed. .

“Spray-firing” from the hip, a widely recognized technique for the use of assault weapons in certain combat situations, has no place in civil society. Although assault weapon advocates claim that “spray-firing” and shooting from the hip with such weapons is never done, numerous military sources show how the functional design features of assault weapons are used specifically for this purpose.

Although the gun lobby today argues that there is no such thing as civilian assault weapons, the gun industry, the National Rifle Association, gun magazines, and others in the gun lobby have enthusiastically described these civilian versions as “assault rifles,” “assault pistols,” “assault-type,” and “military assault” weapons to boost civilian assault weapon sales throughout the 1980s. The industry and its allies only began to use the semantic argument that a “true” assault weapon is a machine gun after civilian assault weapons turned up in inordinate numbers in the hands of drug traffickers, criminal gangs, mass murderers, and other dangerous criminals.

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<sup>17</sup> Since 1986 federal law has banned the sale to civilians of new machine guns. Military assault weapons are “machine guns.” That is, they are capable of fully automatic fire. A machine gun will continue to fire as long as the trigger is held down until the ammunition magazine is empty.

<sup>18</sup> “How Effective is Automatic Fire?” *American Rifleman*, May 1980, page 30.

## **UNIQUE THREAT TO LAW ENFORCEMENT**

Law enforcement officers are no strangers to the dangers these weapons present. In its 2003 resolution endorsing renewal of the Federal assault weapons ban, the International Association of the Chiefs of Police (IACP) cited the “staggering proliferation of these weapons that police face each day.” According to a 2004 study, during the same four year period from 1998 to 2001, one in five law enforcement officers killed in the line of duty were killed with assault weapons.<sup>19</sup>

In addition to the massive firepower of these weapons, one other factor that can make assault weapons a terrible threat to police officers: the bullet-resistant vests typically worn by officers are often useless against the ammunition they use. Montgomery Police Chief John Wilson confirmed that the vests worn by Montgomery officers would provide little or no protection against such weapons as the one used in the Birmingham shootings (SKS rifle). Chief Wilson said that “It would take body protection something like our troops are wearing in Iraq to protect against such weapons, and even then they are not perfect.”<sup>20</sup>

## **HISTORY LESSON**

The history of the Maryland assault pistol ban supports efforts for banning all assault weapons. The movement to ban these weapons in Maryland was originally initiated by

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<sup>19</sup> Violence Policy Center, *“Officer Down” Assault Weapons and the War on Law Enforcement*, May 2003.

<sup>20</sup> Semi-automatic assault weapons pose a unique threat to law enforcement. At the 2002 American Society of Law Enforcement Training Conference, Dr. Aaron J. Westrick, Director of Research, Composite Development for Second Chance Body Armor and Principal of Ballistic Armor Research Group, LLC advised attendees that understanding the threats to officers is important toward preventing injury and death. To that point, Dr. Westrick provided the following facts:

- Over half of the officers killed with rifles are killed on approach to an incident, not during interaction.
- The largest proportion of officers killed with rifles were serving warrants or executing traffic stops. One third of officers killed with rifles were killed during traffic stops.
- Most officers shot with rifles are hit from the front with almost half being shot in the head.
- The .22 caliber rifle (bullets can be stopped on soft armor) is being used less to kill officers and is being replaced by the assault rifle calibers.
- The general profile of a rifle wielding police murderer is different than the common armed killer of patrol and corrections officers. It appears that criminals using rifles against police are more calculating and determined.
- There appears to be an overall increase in the use of rifles to kill officers in tactical situations and on patrol assignments.
- The rifle types most employed by criminals during such attacks encompass the most common assault rifle calibers in the world.
- The common rifle used is the 7.62x39 caliber (AK-47/SKS type), which accounted for over one third of officers killed by rifle deaths do to a sharp increase in its use.
- Other common rifle threats are the .223 (AR-15/Mini-14 type) and .308 (HK-91 type).

Governor Schaefer, who had tried to bring a vote to the full General Assembly for four years. The Senate Judicial Proceedings Committee, however, routinely killed such measures.

In 1994, Senate President Thomas V. Mike Miller Jr. circumvented the committee and pushed the bill onto the Senate floor. Articles that March in *The Baltimore Sun* reported Governor Schafer stating that "I can never understand . . . how a person wouldn't ban an assault pistol from the streets of Baltimore."<sup>21</sup> He was also quoted as saying, "We have public sentiment on our side. The state police know I'm right, a majority of the legislature knows I'm right."<sup>22</sup>

The new 1994 law made Maryland one of only five states at the time to address the assault weapons ban issue, including: California, New Jersey, and Connecticut. Hawaii passed an assault pistol ban that same year.

Congress was close behind Maryland in moving to ban assault weapons. In September 1994, Congress passed The Violent Crime Control and Law Enforcement Act of 1994. Included in the Act was a federal ban on the manufacture, transfer and possession of semi-automatic assault weapons and the transfer and possession of large capacity ammunition feeding devices (i.e. capable of holding more than 10 rounds of ammunition). The law banned 19 named types, models and series of assault weapons, including such guns as the Uzi, AK-47 and TEC-9, and any semi-automatic firearm with at least two specified military features and the ability to accept a detachable magazine (the detachable magazine criterion does not apply to shotguns).

The law attempted to address the issue of industry innovation by including a list of definitional characteristics. A firearm was considered an assault weapon if it accepted a detachable ammunition magazine and incorporated two other assault weapon characteristics such as a pistol grip and folding stock. The law also "grandfathered"—or allowed the sale and possession of—assault weapons and high-capacity magazines that were owned or manufactured prior to the date of enactment of the ban.

During negotiations over the bill, lawmakers agreed to a ten-year sunset clause in the legislation. Though President Bush said he supported renewal of the federal ban, he did nothing to save it from expiring on September 13, 2004.

In 1999, a Department of Justice (DOJ) commissioned study found that gun trace requests for assault weapons declined 20 percent in the year after the ban went into effect.<sup>23</sup> Subsequent studies from DOJ and national advocacy groups debate the longer-term effects of the ban.

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<sup>21</sup> "Owners defend assault pistols as 'fun'," Frank Langfitt, *The Baltimore Sun*, March 14, 1994, Page 1B.

<sup>22</sup> "Panel expected to OK ban on assault weapons," Frank Langfitt, *The Baltimore Sun*, March 9, 1994, Page 5B.

<sup>23</sup> Koper, Christopher and Roth, Jeffrey, "Impacts of the 1994 Assault Weapons Ban: 1994-96," National Institute of Justice Report, March 1999.

A study of Maryland's 1994 ban on assault pistols showed similar positive effects. According to an analysis of 1995 data from the Baltimore City Police Department by the Center to Prevent Handgun Violence, 55 percent fewer assault pistols were used to commit crimes than would have been used had Maryland not passed a ban.<sup>24</sup>

Part of the problem in determining an assault weapon ban's effectiveness is the lack of reliable data on assault weapon-related deaths and injuries. Exactly how many people are killed or injured each year by assault weapons is unknown. As a result, pro-gun advocates use this deficiency to claim that assault weapons pose no increased risk to public safety. Those in favor of banning assault weapons point to the DOJ study and an analysis of law enforcement officers killed in the line of duty between 1998 and 2001. However, there is no federal agency that specifically categorizes deaths or injuries from "assault weapons."<sup>25</sup>

It is also widely acknowledged that the gun industry easily circumvented the 1994 Federal assault weapons ban by making minor cosmetic changes, renaming them, and putting nearly identical "post-ban" weapons back on the market. For example, Intratec's TEC-9 assault pistol was banned in the 1994 law. The company changed a few features and came out with something they mockingly called the AB-10, which stood for "After Ban" 10. The law banned the Colt AR-15, but a legal clone, the Bushmaster XM15, was the weapon of choice of the snipers who used it to murder ten and injure three in the Washington, DC area in October 2002. Senator Jon Corzine (D-NJ) stated in August 2003, "This is a little bit like somebody changing the color of a pill after the copyright has actually gone off, and so they say they've actually invented a new drug, when it's really just a replication of the same thing. It's really a dangerous circumvention of what was intended with the assault weapon ban."<sup>26</sup>

## **CURRENT EFFORTS TO BAN ASSAULT WEAPONS IN MARYLAND**

Since early 2003 Maryland legislators have introduced legislation that would renew and strengthen the federal ban in Maryland. The most recent bill introduced in the 2006

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<sup>24</sup> Douglas Weil and Rebecca Knox, "Estimating the Impact in Baltimore of the Maryland Ban on the Sale of Assault Pistols and High Capacity Magazines," Center to Prevent Handgun Violence, 1995.

<sup>25</sup> The Violence Policy Center (VPC) analyzed Federal Bureau of Investigation (FBI) data on law enforcement officers killed in the line of duty, which were obtained by the VPC through a Freedom of Information Act request. The VPC's analysis, released in its study, "*Officer Down: Assault Weapons and the War on Law Enforcement*" found that "**at least 41 of the 211 law enforcement officers slain in the line of duty between January 1, 1998, and December 31, 2001, were killed with assault weapons. Using these figures, one in five law enforcement officers slain in the line of duty was killed with an assault weapon**" [emphasis in original]. The study did not define "assault weapon" for its analysis, but its charts list several "post-ban" weapons. In a March 10, 2004 letter to the editor of *The Washington Times*, VPC's Legislative Director wrote, "The test the VPC used to identify assault weapons is simple: Is the gun in fact an assault weapon—one of a discrete category of semiautomatic firearms with specific design characteristics developed for use on the field of battle, but all too often turned on law enforcement with deadly consequences?"

<sup>26</sup> *Unregulated, Untested, and Unsafe: The U.S. Gun Industry*, Consumer Federation of America, September 2003.

legislative session would maintain the major elements of the expired Federal assault weapons ban by adding 45 long guns that have been defined as “assault weapons” under Maryland law to the assault pistol ban statute. For example, assault weapons such as the Bushmaster XM15 used in the October 2002 sniper shootings would be banned. In addition:

- The Handgun Roster Board would be charged with placing weapons meeting these characteristics on the banned list—with an appeal process for reviewing the Board’s determinations.
- Existing maximum penalties for the sale, transport or transfer of assault pistols to all assault weapons would be extended.
- Existing exceptions to the assault pistol ban for law enforcement and the Armed Forces to the new assault weapons ban would be extended.
- Licensed firearms dealers would be permitted to sell off their existing stock.
- The state would not be able take an assault weapon from any individual who currently lawfully owns one.

Despite the overwhelming public support, Maryland Governor Bob Ehrlich (R) and state Senator John Giannetti (D-21) have been particularly vocal in their opposition to such legislation.

Bob Ehrlich has a long history of voting with the NRA. As a member of Congress, then-Representative Bob Ehrlich voted to repeal the Federal ban on assault weapons in 1996. As Governor of Maryland, Bob Ehrlich has personally lobbied senators to oppose assault weapons legislation in 2004.

In February 2004, an assault weapons bill was set to move forward in the Senate Judicial Proceedings Committee. A vote was planned, but later postponed putting a final vote in doubt. Freshman Senator John Giannetti Jr. (D-Dist. 21) of Laurel was the sole swing vote on the committee and the target of intense lobbying from both sides. Giannetti acknowledged calls and face-to-face meetings with Governor Ehrlich, who opposed the bill.<sup>27</sup>

Giannetti ended up voting against the bill, citing as his reason his concern for conservative Democratic legislators in other districts from having to vote for gun control. In his public statement at the time, he wrote:

“I believe that the bill would be filibustered on the Senate floor, and that in order to end debate, many conservative democrats would be forced to make votes for cloture, which would potentially hurt them politically in their district.”

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<sup>27</sup> “Giannetti the key vote on assault weapons ban as Ehrlich and Miller clash,” Steven T. Dennis and Thomas Dennison, *The Gazette*, Feb. 20, 2004.

However, an early 2005 posting at Maryland Shall Issue<sup>28</sup> stated the following on a Gianetti fundraiser:

Maryland Shall Issue went to show our gun owner support of Giannetti as he was a heck of a stand-up guy last year - preventing the Maryland Assault Weapon Ban from getting out of the Judiciary Committee. I was pleased to see how warmly we were treated, and how many of us were there!

By March 2005 the posting was taken down.

## **CONCLUSION**

With assault weapons being traced to crime in Maryland an average of every 48 hours, more needs to be done to get these guns off Maryland streets and to help law enforcement keep our communities safe. Yet powerful opponents of banning semiautomatic assault weapons are invested economically and ideologically to blocking any expansion of the pistol ban. Given this new analysis of ATF firearms tracing data, Governor Ehrlich, Senator Giannetti and other Maryland policymakers should strongly reconsider their position on the issue.

On average, two days from now another assault rifle will be recovered in a crime. Where will your legislator stand?

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<sup>28</sup> Maryland Shall Issue is a pro-gun group that supports concealed carrying of handguns and specifically legislation that would mandate state authorities to provide concealed carry licenses to any applicant who meets specific, objective criteria