



March 22, 2013

Dear Friend,

Public safety issues have dominated much of the debate in Annapolis this session. Last week, I was proud to be part of the majority in the legislature that voted to end the death penalty. In early March, I presented testimony on my House Bill 861, which would require that guns be locked when a child could gain access to them.

### **The Death Penalty**

The death penalty is an issue that I've come full circle on. In the late 1980s, when I practiced law, I was co-counsel on a death penalty appeal. My client was an older man in Mississippi, who I believed was not guilty of a capital crime but had had a court-appointed trial attorney who was incompetent and had a conflict of interest.

I worked on his appeals through state courts and was getting ready to file a petition with the Supreme Court when I got word that my client had died from an illness, and so the case was over.

So back then I was an ardent opponent of the death penalty. But as I got older, my feelings changed. I was appalled by the Timothy McVeigh's and the Osama bin Laden's of the world. I thought the death penalty should be reserved for those who commit particularly heinous acts.

One of the key reasons why I thought I could support the death penalty in Maryland was because we're not Mississippi or Texas. We use the death penalty sparingly and unlike in Mississippi, I thought there was little likelihood of racial bias in the jury

system.

But recently, as I looked at the issue some more, I realized that there are racial disparities in the application of the death penalty in Maryland. These disparities are probably not as substantial as they are in Mississippi, but nonetheless they exist.

So I concluded that I didn't want to perpetuate a prominent part of our criminal justice system that has such disparities. A part of our criminal justice system that has no deterrent value and that still carries the risk of mistake or bias. So I voted to repeal the death penalty in Maryland. When the Governor signs this legislation, Maryland will be the 18<sup>th</sup> state to have repealed the death penalty.

### **House Bill 861**

Much of the gun control debate has been on how to reduce the unlawful use of firearms, especially in homicides. What is often overlooked is that firearms are used in more suicides than homicides, and that there are many accidental shootings each year.

Four-fifths of gun-related deaths in homes are the result of a suicide, often by someone other than the gun owner. Between 2001 and 2010, there were 2,370 suicides with firearms in Maryland. Death by firearm is the fastest growing method of suicide.

And it's a particular problem for youth. Almost 40% of youth suicides in Maryland are done by firearm. Suicide is the fourth leading cause of death among those 5-14 years old.

So in an effort to address this issue, House Bill 861 modifies existing law that prohibits someone from storing a loaded firearm in a location where the person knew that an unsupervised child would gain access to the firearm. The bill's text can be found at <http://mgaleg.maryland.gov/2013RS/bills/hb/hb0861F.pdf>

This bill would require regulated firearms (handguns and semiautomatic weapons) to be *locked* when an unsupervised child could get access. The locking can be with an external safety lock, an integrated mechanical lock, or using a safe storage depository. Common sense indicates that an individual with a suicidal impulse is more likely to act on that impulse if there's an unlocked gun at home. And research backs that up -- households with at least one unlocked gun are much more likely to have a suicide than a household in which all guns are locked.

Another issue is gun accidents. In 2007, the United States suffered 15,000-19,000

accidental shootings. More than 600 of these shootings proved fatal. The total number of Americans killed and wounded by gun accidents exceeds the total number killed or injured in fires.

When 34 injury prevention experts were asked to prioritize home injury hazards for young children, based on frequency, severity, and preventability of the injury, the experts rated access to firearms in the home as the most significant hazard.

By requiring regulated firearms to be locked when a child could gain access, these accidents would be reduced. Research bears this out – an unlocked gun was 1.5 times more likely to be used in a suicide or in an incident with accidental injury.

Ten other states have such a requirement. While the House Judiciary Committee has not yet voted on House Bill 861, hopefully they will approve it.

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With little more than two weeks to go in the legislative session, several big issues remain on our agenda, including environmental and gun control bills. I will send out a wrap-up of the session soon after *sine die* on April 8.

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I am proud to be representing you in Annapolis and to be a part of the District 11 legislative team, which includes Senator Bobby Zirkin and Delegates Jon Cardin and Dan Morhaim. Please contact me at 410-841-3527 or [dana.stein@house.state.md.us](mailto:dana.stein@house.state.md.us) if I can ever be of assistance.



Sincerely,

A handwritten signature in black ink that reads "Dana Stein".

Dana Stein  
Delegate

*Paid for by Friends of Dana Stein, Charles Spira, Treasurer*

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