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February 26, 2020

HB910 and SB958
OPPOSE

I'm a firearms instructor who teaches the course necessary for a Maryland Handgun Qualification License (HQL) and also certified by the State of Utah to teach the Utah Concealed Firearms Permit course. I'm also a certified range safety officer who officiates competitions, an advocate of the right of armed self-defense and responsible firearms ownership and use. I write in opposition to HB910 and SB958, as these bills criminalize the possession of lawfully made firearms, including those owned for the purpose of self-defense inside the home. The bills threaten imprisonment for innocent conduct among those least likely to harm others. There are no provisions for compensation for any newly criminalized items in these bills, despite the investments made by the makers and owners. Marylanders have always had the right to make and own their own guns and that suddenly everyone is forced to rid themselves of personal property is an egregious overreach of government authority. Additionally, we've always had the right to share information, something else this legislation threatens prosecution for. The bills reflect a disdain and animosity toward those who have interests in providing for themselves.

Why is the State taking guns from Marylanders?

Since it has never been illegal to make one's own firearms, provided they are not prohibited by federal or state law from possessing them and that all other laws are followed, this legislation affects an untold amount of personally held property. It is unknown how many homemade firearms exist in Maryland homes, but it is not uncommon to see someone using one at a gun range. These arms can be made from any number of methods. Some create their guns completely from scratch while others assemble them from kits. Make no mistake, each of these items has value. Barrels, slides, triggers, frames, etc... all cost — not to mention the time and effort invested into the creation of these arms that the people are being forced to relinquish.

I've been a gun owner since 2012 and since then I've lost track of the times I've been told, "no one wants to take your guns!" My personally made arms, including a handgun that I rely on for home defense are all being taken here without any offer of any sort of compensation. This isn't just unfair, it's purely unjust.

Not even in New Zealand, where no constitutionally observed right to keep and bear arms exists did their government take such a drastic step without offering compensation for affected arms (See https://www.vice.com/en_ca/article/g5xp4x/new-zealands-gun-buyback-might-not-have-gone-so-well). The message being made instead is clear: discard your property or be subjected to force by the State.

Why would someone want to make their own gun?

We also have a right to arms that's not solely dependent on the private sector providing the people a place to buy them from. Just as many make all matters of things for themselves, if one can build exactly what they want for their needs and a nearby store doesn't provide it, why wouldn't one explore this avenue to arm themselves? Just as people have a vested interest in keeping their personal data and conversations private, those same considerations are made by many when it comes to their personal protection. Is this any different than those who use end-to-end encrypted messaging apps like WhatsApp or Signal? No doubt some who read this use such apps and there's no reason to think these readers are committing illegal acts merely because they wish to maintain as much privacy as they can. There's the same level of nefariousness between someone making their own arm and someone messaging a friend with WhatsApp, or even someone brewing their own beer — NONE. The same logic applies to those who do buy a gun from a retail outlet. Merely buying or getting a gun is not a determinant of intent.

There's also a matter of administrative and logistical barriers pitted against people from defending themselves. Personally speaking as someone who teaches the Maryland HQL course, I know those who object to or cannot afford the fees required for the exercise of their rights. Similarly, arranging for fingerprints and being subjected to the onerous wait incurred by HQL issuance and the handgun buying process (usually a taking a month) keeps many artificially disarmed. I know how tough those requirements are as I've had students who took my class only to abandon the process due to the mentioned barriers. Some couldn't arrange a time to get fingerprints. Some just couldn't schedule a class with me. Instead, some have built their own handguns and rely upon them for home protection, recreational use, and even some in competition. These people are not those harming others, nor are they contributing to crime.

Information on making guns is readily available to EVERYONE.

Anyone reading this can scan the QR code on the first page or visit <https://spee.ch/@Deterrence-Dispensed>. This site is an immutable channel that runs on blockchain technology. That data exists **forever** on the internet, and this site is just one of many outlets to find other technical data, printable files, etc... on guns. Even without the spee.ch site, anyone who spends a little time on Google can find the .stl files (a 3D model) necessary to give to any common 3D-printing program and subsequently make their own parts (top search result takes you right to a bunch, as a matter of fact https://www.google.com/search?client=safari&source=hp&ei=B9RSXsSjC-3B_QbzmbCoBA&q=3d+printed+gun+files

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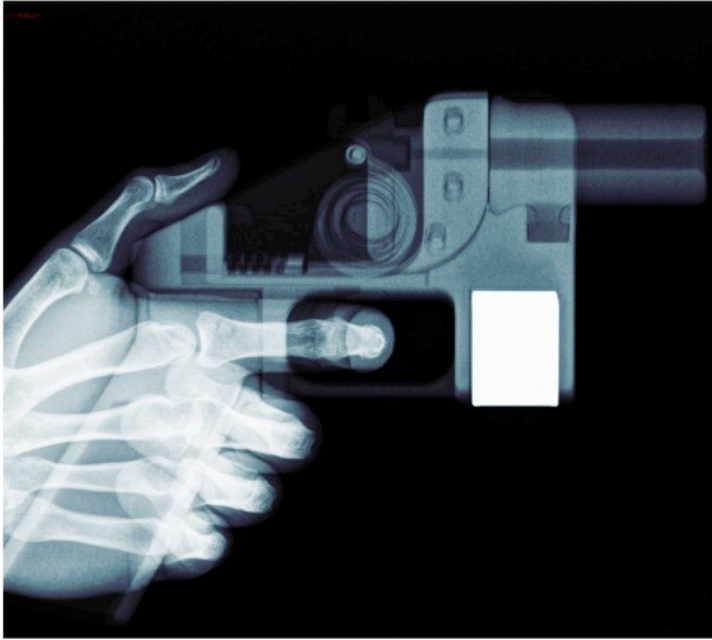
There's simply no way to prevent this information from being shared or acted upon without having law enforcement enter every nook and cranny of the lives, hard drives, and clouds of Marylanders. Putting aside that the internet is omnipresent in daily life and anyone can learn anything they want from their phone, we still have books. Blueprints. The spoken word. Dig around in nearly any public library and you're sure to find the knowledge necessary to make a gun. Anyone who has a copy of Tom Clancy's *Without Remorse* has the basic knowledge of how to make a crude shotgun or even a suppressor from parts and tools anyone can buy from Home Depot. Technical data on firearms, including blueprints, are available from the US Patent office and from numerous other official sources.

Both of these bills are in some ways redundant to federal law.

It is already illegal for a person who is prohibited from owning guns to make or possess any guns at all. A determined individual will not be deterred, nor do they need a 3D printer or milling machine to illegally gain access to a weapon. In 2018, Former Police Commissioner Darryl De Sousa testified in committee that not a single firearm used in any crime in 2017 was lawfully owned or possessed. Not only could these people not legally have the arms in question, they couldn't lawfully receive them or acquire them. Anyone making a gun for these criminals would not only be in violation of the law by making guns for distribution without a Federal license, but they'd also be in violation of numerous laws for providing those guns to prohibited persons.

A recent report from the Department of Justice Bureau of Justice Statistics shows that criminals get nearly half of their firearms from the black market (no differently than drugs) and another quarter are gotten by someone they know who illegally gives it to them. Others are stolen or gotten at the scene of the crime. About 10% of crime guns are gotten at a retail source — including 0.8% from gun shows by the way, which couldn't have happened without a background check (<https://www.bjs.gov/content/pub/pdf/suficspi16.pdf>).

These bills also affect items under the control of the National Firearms Act of 1934 (<https://www.law.cornell.edu/uscode/text/26/5845>). “Covert” arms would qualify as “Any Other Weapons” or AOWs for short. These items are registered with the Federal government and can be lawfully possessed in Maryland right now. Again, the bills force the owners of these items to be deprived of the value of them.



(Liberator pistol viewed by x-ray. Does this look undetectable to you?)

In addition, purely plastic firearms and potentially undetectable firearms fall under The Undetectable Firearms Act of 1988 (<https://www.congress.gov/bill/100th-congress/house-bill/4445>). For over 31 years at least 3.7 ounces of steel must be present in any firearm so that it can be picked up by an x-ray machine or metal detector. No 3D printed gun can be legally made without that steel.

Even the infamous Liberator pistol (left) has a space in its design for a 6 oz block of steel

and the instructions explicitly warn the maker to insert it so as to not break federal law. Even without that block, a X-ray or metal detector would still detect the firing pin (a common nail in the Liberator's case) and any ammunition.

What's different about arms made prior to 1968?

The bills contain an exemption for firearms made before 1968, presumably because the Gun Control Act (<https://www.govtrack.us/congress/bills/90/hr17735>) of that year was the first time that firearms manufacturers were required to serialize all their guns. What's otherwise different about these guns? There's countless firearms made prior to 1968 that lack numbers and aren't any more or less likely to be used in crimes. Some of these arms are identical to those still available on store shelves today. Merely because an arm may be traceable (a complex and time-consuming process done manually by the ATF) does not mean that a crime committed with it may be prevented or that the person who commits the crime isn't able to be held to account. Guns, especially long guns in Maryland, often change hands and there's no constantly updated registry of where they all are. There's simply no reliable method by which to change this reality.

It's truly painful to see more legislation that makes criminals of Marylanders who do no harm and so dismissively treats their individual rights. The recurring theme in HB910/SB958 and other legislation is that since some may misuse an item, it must strictly be prohibited and limited from the people. For example, there's bills that compel going to a dealer for a background check when selling a firearm to a friend, but there's other bills that would leave these dealers looking to spend substantial sums of money to stay in business or close, thus providing for less avenues for honest people to comply with these laws.

It's shameful for lawmakers to have such distrust of their own constituents and the constituents of others. People have an individual right to self-defense — even if that means using a gun they made themselves. Instead of muzzling the creativity, skill, and curiosity of Marylanders by forcing them to relinquish constitutionally protected property without being compensated and potentially facing off against those whose items aren't for sale, it would better serve the public interest to instead focus on intervening against those who've demonstrated a willful disregard for the lives, property, and safety of others by actually harming innocent people right now. I urge an unfavorable report of HB910/SB958.

Sincerely yours,



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