

2A@2AMaryland.org www.2AMaryland.org

HB 910 Criminal Law - Untraceable Firearms OPPOSE

The whole aim of practical politics is to keep the populace alarmed (and hence clamorous to be led to safety) by menacing it with an endless series of hobgoblins, all of them imaginary.

H. L. Mencken

All large percentage of firearms manufactured prior to 1968 do not have serial numbers, and never did. This fact has never caused any concern among law enforcement agencies or been identified as an impediment to the investigative process.

The simple truth is that serial numbers are most useful in returning stolen firearms to the last legitimate owner of record. Once a firearm enters the illegal market, the tracing trail goes cold. Several sessions ago, high ranking officers in the Baltimore City Police Department admitted they could not recall a single instance wherein a firearm used in a crime, was in the possession of the firearm's legitimate owner at the time of the crime.

Attached to this testimony are the results of 2A Maryland's Public Information Act (PIA) request for information on so-called untraceable firearms. The PIA was sent to the following law enforcement agencies:

- Anne Arundel County Police Department
- Baltimore City Police Department
- Baltimore County Police Department
- Maryland State Police
- Montgomery County Police Department
- Prince George's County Police Department

The PIA asked for various information including the following (numbers shown below reflect the numbers in the attached PIA):

2. Firearms used in crime which had serial numbers removed or otherwise obliterated. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).

- 3. Firearms used in crime which never had a serial number (e.g. built from commercially produced 80% complete receivers) and which were produced by private individuals. Listed by year and type (rifle, pistol, revolver, shotqun, assault rifle).
- 4. Firearms used in crime which never had a serial number, which were produced from raw materials by private individuals. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 5. Firearms used in crime which were produced in whole in in part on a 3D printer of any description. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 6. Firearms used in crime which were produced on CNC machinery (other than by a licensed firearms manufacturer). Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).

The response clearly demonstrate that the criminal use of so-called untraceable firearms is so insignificant that none of the law enforcement agencies could provide any data.

It should also be noted that the manufacture of firearms does not require the use of sophisticated computer numeric controlled (CNC) machinery, 3D printers or computer software. The second attachment documents in photographs, the illegal manufacture of fully functioning sub-machineguns in Pakistan by persons using hand tools and only the most basic power tools.

HB 910 is an unjustified, politically driven response to a manufactured problem.

We ask for an unfavorable report.

John H. Josselyn, Director 2A Maryland February 26, 2020

Attachments (2)



2A MARYLAND

January 10, 2019

PUBLIC INFORMATION ACT REQUEST

PIAs SENT TO:

Anne Arundel County Police Department Maryland State Police

Baltimore City Police Department Montgomery County Police Department

Baltimore County Police Department Prince George's County Police Department

Dear:

Under the Maryland Public Information Act I hereby respectfully request the following firearms data and information for the years 2013 through 2018:

- 1. Firearms used in crime and recovered. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 2. Firearms used in crime which had serial numbers removed or otherwise obliterated. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 3. Firearms used in crime which never had a serial number (e.g. built from commercially produced 80% complete receivers) and which were produced by private individuals. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 4. Firearms used in crime which never had a serial number, which were produced from raw materials by private individuals. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 5. Firearms used in crime which were produced in whole in in part on a 3D printer of any description. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 6. Firearms used in crime which were produced on CNC machinery (other than by a licensed firearms manufacturer). Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 7. Firearms used in crimes by year and type, which were used by the registered owner during the commission of the crime. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).

- 8. Firearms used in crimes by year and type, which were used by someone other than the registered owner during the commission of the crime. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 9. Firearms used in crimes by year and type listed by year and type (rifle, pistol, revolver, shotgun, assault rifle) which were stolen and subsequently returned to the lawful owner.
- 10. Firearms purchased in gun "buy back" operations between 2000 and 2018 inclusive. Listed by type (rifle, pistol, revolver, shotgun, assault rifle) and which were reported by the lawful owner as stolen.
- 11. Firearms purchased in gun "buy back" operations between 2000 and 2018 inclusive, listed by year and type (rifle, pistol, revolver, shotgun, assault rifle) which were reported by the lawful owner as stolen, or determined to be stolen, and which were returned to the lawful owner.
- 12. Your Departmental Policy and Procedures for returning stolen and subsequently recovered firearms to the lawful owner of record.

For the purpose of this request, the data requested on firearms is for numbers only. No serial numbers or descriptive information beyond the type of firearms listed above is requested. Data in Excel electronic format, if possible, would be most helpful.

Please feel free to contact me with any questions you may have.

Respectfully,

John H. Josselyn 410-733-4848 jhjosselyn@2AMaryland.org



Anne Arundel County Police Department 8495 Veterans Highway Millersville, Maryland 21108 (410) 222-8050 www.aacounty.org/police



Timothy J. Altomare
Chief of Police

January 23, 2019

John Josselyn 2A Maryland

Dear Mr. Josselyn,

This letter is in response to your request dated January 11, 2019. Your request has been processed in accordance with the Maryland Public Information Act (MPIA), Annotated Code of Maryland, General Provisions Article § 4-101, et seq. (MPIA). Specifically, you have requested several types of information, all pertaining to firearms used in crimes and policy of return.

Upon search, the attached are all reports that we can produce pertaining to gun crime based on categorization and police report data. I have also enclosed our Department policies regarding release of firearms. Regarding all other listed items, data is not captured and/or indexed and is consequently not searchable on much of the very specific criteria you listed. Therefore, no records are responsive to those requests.

You may challenge any part of this response to your request by filing an action in the appropriate court of law pursuant to MPIA § 4-362. You may also contact the Public Access Ombudsman per MPIA § 4-1B-04.

Respectfully,

Christine Ryder

Custodian of Records

Anne Arundel County Police Violent Crime With Guns Involved 1/1/2013 to 12/31/2018

	2013	2014	2015		2016	2017		2018	Total	
01 Murder		9	10	13		8	5		4	56
02 Rape		2	2	_		က	4		_	16
03 Robbery		239	202	198		29	223	141	_	1,173
04 Assault		113	120	147		146	134 48	143	m	803
Total		360	340	359		324	366	299	o	2,048

Anne Arundel County Police Stolen And Recovered Guns 1/1/2013 to 12/31/2018

	RCV	SAR	STN	Total
2013	18	12	220	250
2014	30	7	290	327
2015	13	20	241	274
2016	20	4	215	239
2017	35	8	167	210
2018	15	9	192	213
Total	131	25	1,325	1,513



BALTIMORE POLICE DEPARTMENT



Catherine E. Pugh Mayor

Police Commissioner

April 23, 2019

John H. Josselyn

Re: MPIA Request 19 0096

Dear Mr. Josselyn,

On January 11, 2019 you submitted a request for public records to the Baltimore Police Department's ("BPD") Document Compliance Unit, for the following information:

Request #1. Firearms used in crime and recovered. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).

Response: BPD has no responsive record. The Evidence Control Unit ("ECU") and the Firearms Analysis Unit ("FAU") are the Custodian of Records that would possibly have the information that you are requesting. Both Custodians don't share a database that collectively have the information that you are requesting. The ECU receives items into BPD custody and manage the storage of the items and many times, when firearms are brought in, no crime is associated with them. The firearms would be categorize as found firearms, firearms held for safekeeping, etc. and after they are in ECU custody, a crime may be associated with it, but ECU does not typically make changes to the status once received. So given this information, in order to provide the information that you are requesting, the Custodians would have to do a manually search of firearms used in a crime. And with that being said BPD would be creating a record, the PIA does not impose an obligation on a custodian to create a document that is responsive to a request. See MPIA Manual 14th Ed., October 2015, 3-44 (citing Yeager v. DEA, 678 F.2d 315, 324 (D.C. Cir. 1982)) ("[City] has no obligation to *create* records to satisfy a[n] [M]PIA request."); see also MacPhail v. Comptroller of Maryland, 178 Md. App. 115, 119 (2008) (explaining that pertinent Federal Freedom of Information Act ("FOIA") cases are "persuasive" authority in Maryland because the MPIA and the FOIA share "virtually identical" purposes.").

Request #2. Firearms used in crime which had serial numbers removed or otherwise obliterated. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).

Response: BPD has no responsive record. ECU would be the Custodian of Records for this information. But ECU doesn't always track the serial numbers from firearms for different reasons, such as unable to locate, misinterpretation from the manufacturer, unknown if the firearm is old, or it may just not have a serial number. Giving a list of firearms with obliterated serial numbers from their database would not be accurate and could present a shewed representation of factual information.

Request #3. Firearms used in crime which never had a serial number (e.g. built from commercially produced 80% complete receivers) and which were produced by private individuals. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).

Request #4. Firearms used in crime which never had a serial number, which were produced from raw materials by private individuals. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).

Response #3 & #4: BPD has no responsive record. ECU and the FAU would be the Custodian of Records for this information but this information is not currently tracked in either ECU or the FAU. Obtaining this information is unlikely to occur with a time consuming process that would require a review and hand count of all firearms received during the time period requested. Privately manufacturing/producing a firearm for personal use from an 80% lower or raw materials is not illegal. Sharing tools, building in groups, or providing completed lower receivers ("LR") is illegal since The Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") considers that manufactured for sale or distribution. FAU does not keep statistics on firearms received that appear to be produced from 80% LR's raw materials. The ATF may be a more reliable source for this information as they maintain lists of licensed firearms manufacturers.

Request #5: Firearms used in crime which were produced in whole in part on a 3D printer of any description. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).

Request #6: Firearms used in crime which were produced on CNC machinery (other than by licensed firearms manufacturer). Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).

Response #5 & #6: BPD has no responsive record. ECU and the FAU doesn't track this information in their databases. The ATF may be a more reliable source for this information.

Request #7: Firearms used in crimes by year and type, which were used by the registered owner during the commission of the crime. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).

Request #8: Firearms used in crimes by year and type, which were used by someone other than the registered owner during the commission of the crime. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).

Response #7 & #8: BPD has no responsive record. This information is not currently tracked in either ECU or the FAU databases. FAU does not capture this information either because Firearms Examiners analyze the evidence (firearms, and discharged firearms evidence) to determine a source of common origin (i.e. did this bullet come from this firearm). Owner, Suspect, Victim information is not considered so it won't create a potential bias for criminal cases. This information would best be obtained from the State's Attorney's Office.

Request # 9: Firearms used in crimes by year and type listed by year and type (rifle, pistol, revolver, shotgun, assault rifle) which were stolen and subsequently returned to the lawful owner as stolen.

Response: BPD has no responsive records. ECU is the responsible party for conducting the background investigations and returning firearms to their rightful owners. When going back to Response #1, it is unknown how many of the firearms were involved in crimes as compared to those that were not involved in crimes. ECU maintains the custody of evidence as well as personal property not involved in a crime (safekeeping, found property, etc.). Firearms are returned when legally permissible.

Request # 10: Firearms purchased in gun "buy back" operations between 2013 and 2018 inclusive. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).

Response: BPD has no responsive records. There is no information readily available because ECU's database does not track information from "buyback" operations, this information is handled differently. In the December 2018 "buyback" the total number of firearms received was 1,860 and the breakdown was as follows (855 Handguns, 431Shotguns, 510 Rifles and 64 Misc/Unknown. Firearms that were reported as stolen at the time of the buyback, as determined by personnel who were receiving the firearms at the buyback locations and ran the stolen check (0.59%) and the breakdown was as follows (7 Handguns, 2 Shotguns and 2 Rifles).

Request # 11: Firearms purchased in gun "buy back" operations between 2013 and 2018 inclusive, listed by year and type (rifle, pistol, revolver, shotgun, assault rifle) which were reported by the lawful owner as stolen, or determined to be stolen, and which were returned to the lawful owner.

Response: BPD has no responsive records This is an ongoing process and as of this date none have been returned to their lawful owner. During inventory for 1,860 firearms is a lengthy process, which is still ongoing. Information for the 2018 "buyback" will be contained in a final report when the entire operation is completed.

Request #12: BPD's Departmental Policy and Procedures for returning stolen and subsequently recovered firearms to the lawful owner of record.

Response: The Departmental Policy and Procedures for returning stolen and subsequently recovered firearms to the lawful owner of records is in a draft format and not completed. Once the draft is completed it will be released to the public.

You have the right under PIA § 4-1B-04 to contact the Public Access Ombudsman to mediate any dispute(s) you may have with this response. You may also, contest this response by filing a complaint for Judicial Review in Circuit Court pursuant to PIA § 4-362. Please refer to MPIA tracking # 19 0096 in any subsequent correspondence pertaining to this matter.

Sincerely,

Dana Abdul Saboor

Document Compliance Unit

Baltimore City Police Department



BOYD K, RUTHERFORD

STATE OF MARYLAND MARYLAND STATE POLICE

1201 REISTERSTOWN ROAD PIKESVILLE, MARYLAND 21208-3899 410-486-3101 TOLL FREE: 1-800-525-5555 T D D: 410-486-0677



January 29, 2019

Mr. John H. Josselyn 2A Maryland

RE: Maryland Public Information Act Request concerning Firearms Data and Information (#19-0090)

Dear Mr. Josselyn:

The Maryland State Police has received your request under the Public Information Act (Annotated Code of Maryland, General Provisions Article §§ 4-101 through 4-601) seeking records related to firearms data and information. We received your request on January 16, 2019.

This letter is to inform you that while the Maryland State Police maintains large volumes of records, but we would have to do a hand search for the data that requested. The information that we have would be incomplete as to firearms used in every crime for the years 2013 through 2018 because the Gun Center does not have data for every crime committed with a firearm. I have attached the policy requested in number 10 of your request letter — the policy and procedures for returning stolen and subsequently recovered firearms to the lawful owner of record.

I am required to provide you with notice of the remedies available for review pursuant to GP §4-203. You may seek judicial review of this decision in the appropriate Circuit Court in accordance with GP §4-362. You may also seek dispute resolution in accordance with GP §4-1B-04.

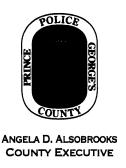
Having supplied a partial answer to you requested, I will close your request in our Public Information Act System.

Sincerely

Rhea L. Harris

Public Information Act Coordinator

Attachments



PRINCE GEORGE'S COUNTY POLICE DEPARTMENT

7600 BARLOWE ROAD
PALMER PARK, MARYLAND 20785



January 25, 2019

Mr. John H. Josselyn. 2A Maryland

Re: Request for Information / Firearms Data

Dear Mr. Josselyn:

I am in receipt of your January 11, 2019 letter requesting records from the Prince George's County Police Department for information regarding firearms data. Your request is made pursuant to the Maryland Public Information Act ("MPIA").

Recently, the Prince George's County Government has received a large volume of MPIA requests. However, we will make every effort to process your request within thirty (30) days, as required by statute. Be advised that there are some requests that require specialized staffing and resources for processing. This, in turn, may cause response times to be somewhat longer than the normal thirty (30) days. See, Annotated Code of Maryland, General Provisions, Article 4-203(c)(2)(d).

Please note that pursuant to Maryland Code An., General Provisions, Article 4-203(c)(2), we are allowed to charge reasonable fees for time incurred to search, prepare and reproduce the documents that you have requested. At a later date, we will provide you with an estimated cost for your request. Before we release any documents to you, payment for the accumulated charges must be received. Without such payment, your request will be close without further action. See, Ireland v. Shearing, 417 Md. 401, 412, n. 8 (2010).

Several of your requests are not kept in an automated or electronic format and will be hard to produce but we will try to comply with as many requests as possible.

In closing, you may seek judicial review of this decision pursuant to Maryland Code Ann., General Provisions, Article 4-362. If you have any questions or need to contact me regarding this matter, I can be reached during normal business hours at (301) 772-4226.

Sincerely,

John T. Mitchell

Associate County Attorney

From: <u>Ernest Reitz</u>

To: jhjosselyn@2AMaryland.org

Cc: Vickie Wash

Subject: Public Information Request, #NR19-39

Date: Monday, June 17, 2019 12:57:47 PM

Attachments: MPIA #NR19-39.docx

Evidence Retention Field Manual.docx

Hello Mr. Josselyn,

Thank you for your patience as we queried multiple departments within the Baltimore County Police Department in an attempt to fulfill your public information request. After speaking to representatives of our Firearm Interdiction Team, Evidence Management Unit, Forensic Services Section, and Crime Analysis Units we are unable to provide information for questions one (1) through eleven (11) of your request because that information is not tracked within our department. We do not have an existing database that captures the information you are seeking. Question twelve (12) or your inquiry is available. I have attached a copy of the BCPD Field Manual which governs the return of seized property (i.e.: firearms). Please do not hesitate to contact me should you have any further questions.

Thank you,
Ernest M. Reitz, Esq.
Director, Legal Section
Baltimore County Police Department
700 East Joppa Road
Towson, Maryland 21286
(410) 887-2211
(410) 887-4933 (fax)
ereitz@baltimorecountymd.gov











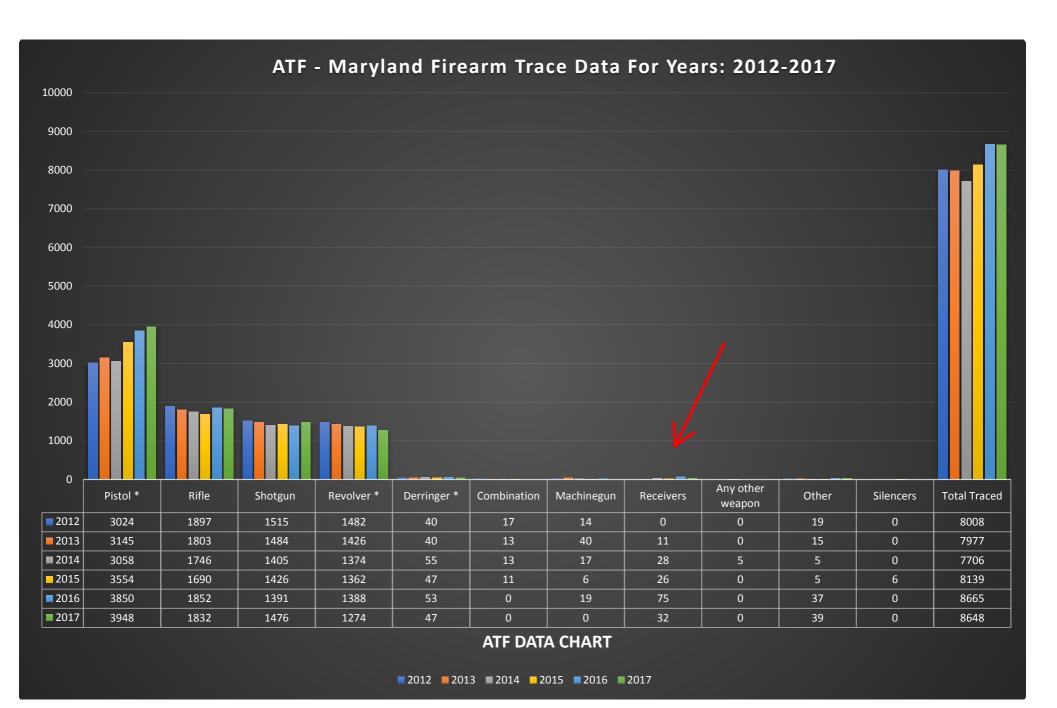






www.baltimorecountymd.gov

Request	Response	Notes
(1)Firearms used in crime and recovered.	This data is not tracked.	FIT only tracks the guns their section comes into contact with, not all guns used in crime. Neither the Crime Analysis nor Evidence Management Units track this information.
(2)Firearms used in crime which had serial numbers removed or obliterated.	This data is not tracked.	и
(3)Firearms used in crime which never had a serial number and which were produced by private individuals.	This data is not tracked.	и
(4)Firearms used in crime which never had a serial number which were produced by raw materials by private individuals.	This data is not tracked.	и
(5)Firearms used in crime which were produced in whole or part on a 3D printer.	This data is not tracked.	и
(6)Firearms used in crime which were produced on CNC machinery.	This data is not tracked.	и
(7)Firearms used in crime by year and type, which were used by the registered owner during the commission of a crime.	This data is not tracked.	и
(8)Firearms used in crime by year and type which were used by someone other than the registered owner during the commission of a crime.	This data is not tracked.	и
(9)Firearms used in crimes by year and type, which were stolen and subsequently returned to the lawful owner.	This data is not tracked.	u
(10)Firearms purchased in gun 'buy back' operations between 2013 and 2018, inclusive. Listed by type and were reported by the lawful owner as stolen.	BCPD does not conduct a 'buy- back' program, nor do we track data from other jurisdiction 'buy- back' programs.	"
(11)Firearms purchased in gun 'buy back' operations between 2013 and 2018 inclusive. Listed by year and type which were reported by the lawful owner as stolen, or determined to be stolen, and which were returned to the lawful owner.	See response to #10 above.	u
(12)BCPD policy/procedure for returning stolen and subsequently recovered firearms to the lawful owner of record.	All stolen firearms are returned to lawful owner after a background check determines they are qualified.	See Field Manual Section 7-1.2



Guns cheaper than smartphones in Darra Adamkhel

AFP | UPDATED JUL 30, 2016 12:58PM



ı small workshop in Darra Adamkhel. –AFP

DARRA ADAMKHEL: Gunfire echoes through a dusty northwest tribal town, the soundtrack to Pakistan's biggest arms black market, where Kalashnikovs welded from scrap metal are cheaper than smartphones and sold on an industrial scale.





rkish and Bulgarian-made MP5 pistols. –AFP





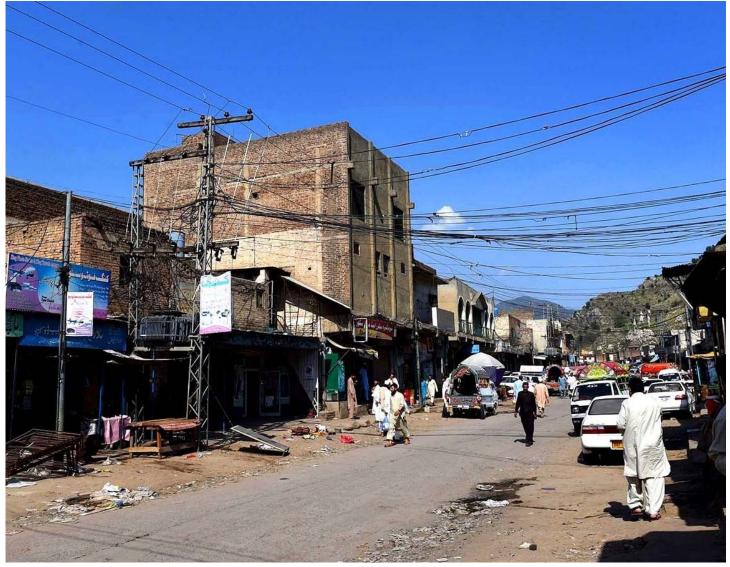
Turkish and Bulgarian made MP5 pistols. -AFP







mall workshop. -AFP



apons market in Darra Adamkhel –AFP

Yes, Anyone Can Print a Gun at Home. But Not a Very Good One.

Schematics went public online five years ago. There's a reason we haven't seen a surge in crimes committed with plastic weapons.

By Elaine Ou August 1, 2018, 10:30 AM EDT



Plans for the Liberator handgun were published five years ago and have been illegally available online since. Photographer: Robert MacPherson/AFP, via Getty Images

Elaine Ou is a Bloomberg Opinion columnist. She is a blockchain engineer at Global Financial Those who were waiting to get their hands on some 3D-printable firearm schematics are in for a disappointment:

After eight states and the District of Columbia filed a joint lawsuit in federal court, a nationwide temporary restraining

Those who were waiting to get their hands on some 3D-printable firearm schematics are in for a disappointment: After eight states and the District of Columbia filed a joint lawsuit in federal court, a nationwide temporary restraining order was granted to stop the files from being posted by a Texas nonprofit called Defense Distributed.

The distribution of blueprints for 3D-printable guns had previously been classified as <u>illegal</u> <u>munitions export</u>, but this May, the State Department announced a <u>plan</u> to amend the International Traffic in Arms Regulations regime to move the regulation of certain technical data to the jurisdiction of the Commerce Department. In response, 21 state attorneys general sent a letter to Attorney General Jeff Sessions and Secretary of State Mike Pompeo, saying that the decision was "deeply dangerous and could have an unprecedented impact on public safety."

Regardless, little will change. Defense Distributed founder Cody Wilson first published blueprints for a printable gun called the Liberator more than five years ago. The files were removed after government demands, but a fundamental feature of the internet is that information never disappears. A search engine query can still surface copies of Wilson's design files on internet archives and piracy sites across the web.

The whole episode mirrors the saga of cryptography, which was also once on the <u>U.S. Munitions</u> <u>List</u>. Prior to 1996, encryption software could not legally be exported or distributed. <u>1</u> But software is just strings of text! Export controls on cryptography became such a joke that cryptographers printed a simple encryption script onto <u>T-shirts</u> and wore them in an act of defiance. 2

Firearms are capable of a lot more damage than encryption, but this doesn't mean we're ushering in a dangerous new era in which nutjobs will be printing semiautomatic weapons from the comfort of their homes. There's a reason we haven't seen an uptick in the number of crimes committed using 3D-printed firearms since the Liberator plans became public five years ago: It's not actually that convenient. Legalizing distribution of the plans will make them more readily accessible to amateur gunsmiths, but won't transform 3D-printed guns into formidable weapons.

Depending on the 3D printer, the parts would take most of a day to complete. This is assuming the operator even has access to a precision printer. Entry-level machines can't form parts with the tolerances and temperature control needed to produce a reliable firearm.

Even if made using today's best 3D printing, the guns still aren't very good. Any material pliable enough to feed through a printer will have trouble surviving the pressure and temperature required to propel a bullet at thousands of feet per second. (The instructions accompanying the Liberator recommend discarding the barrel after each use.) 3D-printed firearms are a clever idea, but not a very practical one.

The real purpose of Wilson's blueprints is to dramatize the futility of gun control, much like encryption T-shirts were intended to troll those who wanted to ban encryption. Every outrageous article warning of a future where anyone can print deadly weapons serves only to validate his point and increase the hype around printable guns. Wilson's <u>Twitter account</u> proudly retweets

every terrifying headline -- His organization couldn't have bought better advertising if they'd wanted to. $\underline{3}$

Those headlines are overwrought. Yes, sufficiently-determined Americans can print a plastic firearm. But it'll be unreliable and quite likely to misfire and explode. (If you absolutely must proceed, consider taking a safety course while waiting for the gun pieces to print.)

Even if the Supreme Court overturns the temporary injunction, 3D-printable firearms are unlikely to catch on anytime soon. It would help if fear-mongerers stopped providing free advertising.