

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 958

(Senator Lee, *et al.*)

Judicial Proceedings

Criminal Law - Untraceable Firearms

This bill, with specified exceptions, prohibits a person from (1) manufacturing, causing to be manufactured, assembling, constructing, possessing, selling, offering to sell, transferring, purchasing, or receiving specified firearms; (2) using a 3-dimensional (3D) printer to manufacture, cause to be manufactured, assemble, or construct firearms; (3) distributing a computer program designed for specified purposes relating to the fabrication of firearms with a 3D printer; and (4) possessing a specified object marketed or advertised to be, or that a reasonable person would understand to be, designed for specified purposes related to the fabrication of firearms. A violator of any of the bill's provisions is guilty of a misdemeanor and on conviction subject to maximum penalties of imprisonment for two years and/or a \$5,000 fine.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Potential minimal increase in revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: Minimal or none.

Analysis

Bill Summary: A person is prohibited from (1) using a 3D printer to manufacture, cause to be manufactured, assemble, or construct a firearm; (2) distributing a computer program designed for manufacturing, causing to be manufactured, assembling, or constructing

firearms using a 3D printer; or (3) possessing, selling, offering to sell, transferring, purchasing, or receiving firearms manufactured, assembled, or constructed in violation of these prohibitions. These prohibitions do not apply to (1) a firearm manufactured, assembled, or constructed by a federal firearms licensed (FFL) dealer, an FFL manufacturer, or a person who possesses a State regulated firearms dealer's license; (2) a firearm imported by an FFL importer; or (3) a computer program distributed to an FFL dealer, FFL manufacturer, or a person who possesses a State regulated firearms dealer's license.

A person is prohibited from manufacturing, causing to be manufactured, assembling, constructing, possessing, selling, offering to sell, transferring, purchasing, or receiving a "covert firearm" or an "undetectable firearm," as defined under the bill.

With the exception of a firearm that has been rendered permanently inoperable or was manufactured before 1968, a person is prohibited from (1) manufacturing, causing to be manufactured, assembling, constructing, possessing, selling, offering to sell, transferring, purchasing, or receiving firearms that are not imprinted with a specified serial number or (2) possessing, selling, offering to sell, transferring, purchasing, or receiving specified objects marketed or advertised to be, or that a reasonable person would understand to be, designed for the purpose of being manufactured, assembled, or constructed into the frame or receiver of a firearm that is not imprinted with a specified serial number.

Current Law: Generally, State law prohibits a person from manufacturing for distribution or sale a handgun that is not included on the handgun roster in the State. However, law enforcement may not be aware of firearms manufactured within a person's home for personal use until the firearm is used or transferred.

The federal Undetectable Firearms Act prohibits a person from manufacturing, importing, selling, shipping, delivering, possessing, transferring, or receiving any firearm that is not as detectable by a walk-through metal detector as a security exemplar containing 3.7 ounces of steel, or any firearm with major components that do not generate an accurate image before standard airport imaging technology. The federal prohibition was first enacted in 1988 and was renewed for 10 years in December 2013.

Background: The process of 3D printing, also known as additive manufacturing, uses computer-aided design files to direct a 3D printer to deposit a material, such as plastic, layer-by-layer, to create a 3D solid object of virtually any shape. The functionality of 3D-printed firearms varies depending on the quality of plastic used, the calibration and quality of the 3D printer, and post-printing assembly.

Additional Information

Prior Introductions: None.

Cross File: HB 910 (Delegate Dumais, *et al.*) - Judiciary.

Information Source(s): Baltimore City; Prince George's County; Maryland Association of Counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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mm/aad

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