



FACSIMILE NO.

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

WRITER'S DIRECT DIAL NO.

March 3, 2020

To: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

From: The Office of the Attorney General

Re: Senate Bill 958 – Criminal Law – Untraceable Firearms - **SUPPORT**

The Office of the Attorney General urges the favorable report of Senate Bill 958 - the “Untraceable Firearms” or “ghost guns” bill. This bill prohibits a person from manufacturing, assembling, constructing, possessing, selling, offering to sell, transferring, purchasing or receiving a untraceable firearm; using a 3-dimensional printer to manufacture, assemble or construct firearms; distributing a computer program relating to the fabrication of firearms with a 3D printer; and possessing a untraceable object marketing or advertised to be designed for purposes related to the fabrication of firearms. Any violator would be guilty of a misdemeanor and on conviction, subject to maximum penalties of imprisonment for two years, and/or a \$5,000 fine. The purpose of this legislation is to address the growing threat of untraceable firearms, or “ghost guns.”

Generally, when a firearm is manufactured or imported into the United States, it must be marked with a serial number and additional information about the manufacturer and/or importer. Then, when it is sold in Maryland, a background check is conducted on the consumer and the retailer retains records of the transaction – enabling the “tracing” of records. However, “ghost guns” disrupt this traditional process, and provide a loophole around Federal and State gun laws.

This loophole is created because ghost gun purveyors sell unfinished parts of a firearm, rather than the whole firearm – thus, it does not qualify as a “firearm” for purposes of Federal and State law. The unfinished parts then are easily made into a firearm with very little effort on the part of the purchaser. This process allows the purchasers to go undetected, and un-checked for purposes of background checks. In addition, law enforcement officers are increasingly



encountering trafficking rings that are mass-manufacturing and selling untraceable firearms,¹ and often see ghost guns used in shootings by individuals who would not pass a background check, including in Maryland.²

Consistent with the Attorney General's efforts to protect Maryland residents against the dangers of firearms and gun violence, Senate Bill 958 closes the loophole that allows for untraceable guns in Maryland. By prohibiting the possession or sale of unserialized, untraceable guns, this legislation will make it much more difficult to obtain and use ghost guns in Maryland.

For the reasons stated above, the Office of the Attorney General urges a favorable report of Senate Bill 958.

cc: Members of the Judicial Proceedings Committee

¹ U.S. Attorney's Office, Eastern District of California, *Eight Men Indicted for Manufacturing and Dealing AR-15 Type Rifles and Silencers Without a License*, DEP'T OF JUSTICE (Oct. 15, 2015), <https://www.justice.gov/usao-edca/pr/eight-men-indicted-manufacturing-and-dealing-ar-15-type-rifles-and-silencers-without>; Zusha Elinson, *The Rise of Untraceable 'Ghost Guns'*, WALL ST. J. (Jan. 4, 2018), <https://www.wsj.com/articles/the-rise-of-untraceable-ghost-guns-1515061800>; Ryan Gillespie, *Kissimmee Man Sentenced to 5 Years for Building 'Ghost Guns' without Federal License*, ORLANDO SENTINEL (June 14, 2018), <https://www.orlandosentinel.com/news/breaking-news/os-kissimmee-ghost-guns-20180614-story.html>; Maxwell Reil, *Man Indicted After Selling 'Ghost Gun' in Hammonton*, PRESS OF ATLANTIC CITY (Apr. 13, 2018), https://www.pressofatlanticcity.com/news/man-indicted-after-selling-ghost-gun-in-hammonton/article_16aa48bc-519c-50d5-b66b-748689e9c5b4.html; Cassie Dickman, *Grass Valley Man Sentenced to 5 Years for Trafficking 'Ghost' Guns*, SACRAMENTO BEE (Sept. 22, 2018), <https://www.sacbee.com/news/local/crime/article218864215.html>; Jace Larson, *Undercover ATF Agents Bust Alleged 'Ghost Gun' Ring Dealing in AK-47s, Homemade Silencers*, DENVER CHANNEL NEWS (Dec. 4, 2018), <https://www.thedenverchannel.com/news/investigations/undercover-atf-agents-bust-alleged-ghost-gun-ring-dealing-in-ak-47s-homemade-silencers>; Tommy Rowan, *12 Arrested in Bust of Alleged Camden County 'Ghost Gun' Assault Rifle Ring*, PHILADELPHIA INQUIRER (Mar. 18, 2019), <https://www.philly.com/news/new-jersey-ghost-guns-assault-rifles-pistol-gun-trafficking-camden-county-20190318.html>; Emily Masters, *State Police: Downstate Cop Sold 'Ghost' Guns to Motorcycle Gang*, TIMES UNION (Mar. 1, 2019), <https://www.timesunion.com/news/article/State-Police-Downstate-cop-sold-ghost-guns-to-13656862.php>.

² Richard Winton & Mark Puente, *Rife used in deadly Riverside shooting was untraceable 'ghost gun,' sources say*, Baltimore Sun (Aug. 14, 2019), <https://www.baltimoresun.com/rifle-used-in-deadly-riverside-shooting-was-untraceable-ghost-gun-sources-say-story.html>.