

Stoney Creek Fishing & Hunting Club

9090 Ft. Smallwood Rd.

Pasadena, MD 21122

February 26, 2020 and March 3, 2020

HB 910 and SB 958: Criminal Law – Untraceable Firearms

Oppose

The Stoney Creek Fishing and Hunting Club, which has some 300 members and has been in existence for over 70 years, **OPPOSES HB 910/SB 958**. We oppose these Bills because they would create instant criminals of many law abiding citizens of the State, they would create an unlawful taking of property and elements thereof would be unenforceable.

In brief, HB 910/SB958 would amend Articles 4-602 through 4-604 to:

1. Prohibit, with certain exemptions, the use or distribution of 3-Dimensional (3D) printers to manufacture, assemble, or construct a firearm;
2. Prohibit a person from **possessing**, selling, offering for sale, transferring, purchasing or receiving a firearm manufactured, assembled or constructed by a 3D printer.
3. Prohibit the manufacturing, assembling or construction of “covert firearms” i.e., key chains, pens, cigarette lighters, cell phones, etc or “undetectable firearms”, i.e. those that would be undetectable at airport security check points.
4. Prohibit a person from **possessing**, selling, offering for sale, transferring, purchasing, or receiving a covert or undetectable firearm;
5. Prohibit a person from manufacturing, assembling, or constructing a firearm that does not have a serial number imprinted by a federally licensed firearm manufacturer or importer;
6. Prohibit a person from **possessing**, selling, offering for sale, transferring, purchasing or receiving as firearm that is not imprinted with a serial number issued by a federally licensed firearm manufacturer or importer.

(Above highlighting by author.)

Penalties for violating any of the these provisions would be imprisonment not exceeding 2 years, a fine not exceeding \$5,000, or both.

Citizens of Maryland have for many, many years made firearms for their own use. They have done so for the pleasure of having produced something by their own hands, to save money or to achieve a high level of accuracy for competitive shooting. Such firearms have run the span from single shot muzzle loaders to precision, modern day firearms. And they have produced these firearms without violating any federal or State laws. Never have they been advised that at some point they would not be able to possess these firearms nor that they would become criminals, subject to imprisonment and fines, for having them in their possession.

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As noted above, the mere possession of the prohibited items, whether manufactured using the 3D process, lacking a serial number, etc. the owners would become instant criminals upon the effective date of the legislation (October 1, 2020). They will have no opportunity to sell, transfer or otherwise dispose of their firearms and thereby will suffer a financial loss.


Not only will these Bills make instant criminals of law abiding citizens, but they will be faced with a “taking without compensation”. Such action is expressly prohibited by both Article 40 of the Maryland Constitution and the Fifth Amendment (Bill of Rights) to the U.S. Constitution. Both documents prohibit the taking of personal property without just compensation.

We are also deeply concerned about the prohibition against using 3D printers to create a firearm and the prohibition of sharing such 3D information, say via the internet. We know of no other such limitations being placed on the use of 3D printers nor the sharing of information about them. We strongly suspect the restrictions in the Bills concerning distribution of such information run afoul of the U.S. Constitution’s First Amendment concerning free speech.

Another troubling aspect of these Bills is their limitations on such “James Bond” type items as key chains, cigarette lighters, cell phones, etc. that would constitute a covert firearm. Even a .22 caliber firearm, one of the smallest size rounds of ammunition available requires a steel barrel with an outside diameter of slightly over ½” (5/8”). Assume a barrel length of but 2” plus some type of firing device, and it is difficult to conceive how such an item would be incorporated into these devices. And it would be a single shot device as well. It appears such a device would also be detectable at airport security check points, not only because of the metallic materials in the firearm, but those in the ammunition as well.

Our final concern is that elements of HB 910/SB 958 would be unenforceable. How would law enforcement agencies identify whether a firearm was made using a 3D computer versus some other manufacturing process? Or how would they determine that a firearm without a serial number was made prior to, or subsequent to 1968? Many individuals maintain their firearms in pristine condition making it very difficult to determine their age.

For the above concerns we believe these Bills to be unworkable and recommend they receive an unfavorable report.


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