

SB0624-FAV-DTMG-2-17-21.pdf

Uploaded by: Bartlett, Olivia

Position: FAV



Olivia Bartlett, DoTheMostGood Maryland Team

Committee: Judicial Proceedings

Testimony on: SB0624 - Public Safety - Untraceable and Undetectable Firearms Act

Position: Favorable

Hearing Date: February 17th, 2021

Bill Sponsor: Senator Susan Lee

DoTheMostGood (DTMG) is a progressive grassroots organization with more than 2500 members who live in a wide range of communities in Montgomery and Frederick Counties, from Bethesda near the DC line north to Frederick and from Poolesville east to Silver Spring and Olney. DTMG supports legislation and activities that keep its members healthy in a safe environment. DTMG strongly supports SB624 because it will require manufacturers to serialize any un-finished receivers and require a handgun qualifying license for the sale of an unfinished receiver, this making sure that all guns in Maryland are traceable by their serial numbers,

Ghost guns -- guns made from parts available without a background check -- are the fastest growing gun safety problem facing our country today. There is no serial number, so the guns cannot be traced, thwarting the ability of law enforcement to close cases, arrest criminals, and bring justice to survivors of gun violence. The need for clear, comprehensive, and effective regulation for ghost guns has never been greater.

The COVID-19 pandemic has brought an unprecedented spike in gun sales. Panic buying of guns continues at gun stores, but at least these sales are subject to background checks, unlike ghost guns. Any individual with a computer can download a DIY kit and with tools found around the house can make their own pistol, Glock 19, or an assault-style rifle, such as AR-15 or AK-47, in just hours. It's easy and cheap. Montgomery County has witnessed a dramatic increase in the number of ghost guns on our streets. "Our total number for 2020 was 73 recovered ghost guns within our community... We have recovered a total of 25 ghost guns in previous years," Police Chief Marcus Jones said. "So as you see, this trend is truly heading up."¹

SB0624, the Public Safety - Untraceable and Undetectable Firearms Act, is common-sense legislation that will assist law enforcement and protect our citizens. The bill would make it so

¹ <https://www.localdvm.com/news/maryland/montgomery-county-to-introduce-bill-restricting-untraceable-ghost-guns/>

that anyone who is selling an unfinished receiver in the state has the same serialization, as if they were selling a finished receiver; and, it also requires a handgun qualifying license for anyone who is buying an unfinished receiver.

This bill is long overdue. We have to shut down unregulated sellers who sell ghost gun building kits and traffickers who sell these guns, or more of these guns will end up on our streets causing more death, trauma, and injuries.

There is an important racial equity element in this legislation that should not be ignored. Communities of color are disproportionately affected by gun violence. The more we can do to keep these elements of destruction off of our streets, the safer all communities, particularly communities of color, will be.

DoTheMostGood is eager to work with Senator Lee to ensure passage of this important legislation that can help restore safety and peace of mind to Montgomery County and across the state of Maryland. Therefore, we **urge a favorable report on SB0624.**

Respectfully submitted,

Olivia Bartlett
Co-Lead, DoTheMostGood Maryland Team
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240-751-5599

SB 624-Support-Untraceable and Undetectable Firear

Uploaded by: Egan, Ashley

Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of SB 624 - Public Safety - Untraceable and Undetectable Firearms

TO: Senator Will Smith, Jr. Chair and the members of the Judicial Proceedings Committee

FROM: Janice Bird, MD, Co-Chair, Gun Violence Task Force, Unitarian Universalist Legislative Ministry of Maryland.

DATE: February 17, 2021

We, as Unitarian Universalists, believe we all belong to an interconnected community responsible for the safety and well-being of everyone. We have seen how gun violence affects all of us, as the effects of one event ripple out into the community.

So why would anyone want to allow untraceable guns, including 3D printed guns and firearms assembled from kits, without serial numbers to exist? They cannot be traced and can otherwise circumvent Maryland's regulated firearm registry.

We should all be able to agree that common sense gun laws save lives! This bill is a means to keep criminals and domestic abusers from gaining access to untraceable "ghost" guns.

Some of you were Maryland legislators when the Firearms Act of 2013 was signed into law. These measures have been effective in decreasing gun violence without compromising the rights of law-abiding citizens.

We ask our legislators to stand on the side of love and justice and vote for this bill and others that will strengthen Maryland's gun violence prevention laws to further limit the ability of dangerous and irresponsible individuals access to firearms.

The measure before you today is another tool for law enforcement to protect the people from gun violence. We urge a favorable report.

Janice Bird, MD

Annapolis, MD

VSAB Support Ghost Gun Legislation SB624.pdf

Uploaded by: Frey, Leslie

Position: FAV



VICTIM SERVICES ADVISORY BOARD

February 17, 2021

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

Re: Support - SB624 - Public Safety - Untraceable and Undetectable Firearms

Dear Chairman Smith:

Senate Bill 624 addresses the need to monitor and control the use of “do-it-yourself” (DIY) or “ghost guns” by extending the definition of regulated firearms to include certain unfinished frames or receivers. Additionally, the bill requires that all firearms are marked with a unique serial number and individuals possessing such firearms need to maintain a certain log. Penalties are imposed for violations in the manufacturing, possessing, selling, and transferring of these firearms.

The Montgomery County Victim Services Advisory Board (VSAB) advises the County Council and County Executive on assisting victims and their family members who experience violent crimes including domestic violence, sexual assault and homicide. Montgomery County’s homicide rate increased 167% in 2020 compared to the same time in 2019. (<https://wjla.com/news/local>, Sept. 9, 2020). The police were also concerned with the increase in violence in domestic violence cases they investigated. (<https://wtop.com/montgomery-county>, Oct. 16, 2020). The lack of ability to track the weapons used in such violence puts victims at significantly greater risk.

The Montgomery County Police discovered 73 ghost guns in 2020 compared to six such guns found in 2019. (<https://wtop.com/maryland/2021/01/maryland-state-county-lawmakers-target-ghost-guns/>, Jan. 19, 2021). In 2020, they arrested 55 adults on charges of possessing or selling ghost guns, and three juveniles on charges of possessing them. (<https://bethesdamagazine.com/bethesda-beat/government/county-might-try-to-ban-undetectable-ghost-guns/>, Jan. 15, 2021). In late 2020, the attorneys general of D.C., Maryland, and Virginia joined 16 other states in filing a lawsuit to crack down on DIY/ghost guns. (<https://wtop.com/local/2020/12/dc-maryland-and-virginia-go-after-atf-to-regulate-ghost-guns/>, Dec. 24, 2020). Regulation of these firearms is long overdue.

VSAB asks the committee to issue a favorable report in Senate Bill 624.

Sincerely,

Kathryn Pontzer & Juanita Rogers
VSAB Co-chairs

Department of Health and Human Services

BPD SB 624.pdf

Uploaded by: Herzog, John

Position: FAV



BALTIMORE POLICE DEPARTMENT



Brandon M. Scott
Mayor

Michael S. Harrison
Police Commissioner

TO: The Honorable Members of the Senate Judicial Proceedings Committee

FROM: Michelle Wirzberger, Esq., Director of Government Affairs, Baltimore Police Dept.

RE: Senate Bill 624 Public Safety – Untraceable and Undetectable Firearms

DATE: February 17, 2021

POSITION: SUPPORT

Chair Smith, Vice-Chair Waldstreicher, and members of the Judicial Proceedings Committee, please be advised that the Baltimore Police Department **supports** Senate Bill 624.

Senate Bill 624 seeks establish standards by which untraceable and undetectable firearms are transferred, registered and identified by mandating the following: altering the definition of a regulated firearm to include certain unfinished frames or receivers; making it illegal for any person to obliterate, remove, change or alter the manufacturer's identification mark or number or any other mark of identification on an unfinished frame or receiver; establishing that after January 1, 2020 no one may transfer the ownership of a firearm or unfinished frame or receiver that the person manufactured or assembled and lawfully possessed prior to that date unless the transfer is made to another family member who possesses a valid handgun qualification license or a law enforcement agency; requiring that a federally licensed firearms manufacturer or federally licensed firearms importer must mark every firearm and unfinished frame or receiver with a unique serial number and to indicate the following: the model of the firearm or unfished frame or receiver, if such designation has been made, the caliber or gauge, if the product was manufactured or assembled in the state, the full legal name and city of the manufacturer, and if the item was manufactured outside of the state, the full legal name and city of the entity that imported or brought the product into the state. This bill mandates that a federally licensed firearms dealer, manufacturer and importer must maintain a record log of any sale or transfer of a firearm or unfinished frame or receiver; a person may not possess an unfinished frame or receiver that has not been marked in accordance with these requirements unless that item was lawfully obtained prior to January 1, 2020. It also establishes that no person prohibited from manufacturing, assembling, owning or possessing a firearm may not knowingly solicit, request, compel, coerce, conspire, facilitate, aid, or abet the manufacturing or assembling of a firearm or an unfinished frame or receiver and outlines the penalties for such violations. Finally, this bill prohibits a person from manufacturing, assembling, possessing, selling, offering to sell, transferring, purchasing or receiving a covert firearm or an undetectable firearm.

An example of an item covered by this bill, is a "Polymer 80" which is a essentially a gun that is only 80% constructed. These firearms are assembled by a person using acquired parts or a kit that includes one portion of the gun that is unfinished. This requires the purchaser to perform their own drilling or tooling of the

gun in order to make it fully functional. One of the most popular ways to make a polymer 80 is by buying pre-made parts and purchasing an 80% lower receiver.

In this scenario, a background check would not be completed because they are only conducted on completed lower receivers. People who cannot legally purchase guns because of being convicted of a disqualifying crime, not being of age, being found mentally incompetent, etc., can currently order a polymer 80 over the internet and have it shipped to their residence.

A couple of 2020 statistics to note:

- ✓ In 2020, BPD recovered 126 Polymer 80s whereas in 2019, we recovered only 29.
- ✓ The majority of those retrieved in 2020 were recovered as a result of traffic stops, which shows that criminals were transporting them and keeping them close for use.
- ✓ The Southwestern District in the City accounted for the largest amount of Polymer 80 seizures in 2020 with 26 overall. This district led in the number of violent acts such as homicide and shootings, in 2020.
- ✓ In 2020 there was a total of 21 NIBIN leads associated with Polymer 80's which indicates that 17% of the Polymer 80's recovered were used in at least one act of violence.
- ✓ 15 Polymer 80's were recovered that were directly linked to a shooting or a homicide investigation.
- ✓ Most important of all, in 2020, 29 of the 126 (23%) Polymer 80's recovered were seized from individuals under the age of 21. These guns were used by those who were not even of legal age to carry a gun.
- ✓ The youngest person who was caught with a Polymer 80 was 14 years old.

Overall, the Baltimore Police Department believes that this bill would assist in the prevention of crimes while also providing the Department with additional tools to help solve crimes of violence. Therefore, the Baltimore Police Department respectfully requests a **favorable** report on Senate Bill 624.

MD Catholic Conference _FAV_SB0624.pdf

Uploaded by: Kraska, MJ

Position: FAV



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

February 17, 2021

**SB 624
Public Safety - Untraceable and Undetectable Firearms**

Senate Judicial Proceedings Committee

Position: Support

The Maryland Catholic Conference (“Conference”) represents the public policy interests of the three Roman Catholic (arch)dioceses serving Maryland: the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington.

Senate Bill 624 alters a certain definition of regulated firearm to include a certain unfinished frame or receiver; authorizing a person to continue to possess a certain firearm or unfinished frame or receiver on or after January 1, 2022, if the firearm or unfinished frame or receiver is marked with a unique serial number and the person maintains a certain record log; prohibiting a person from possessing a certain firearm or unfinished frame or receiver on or after January 1, 2022.

The Catholic Church has a strong interest in public safety and keeping communities safe. The United States Conference of Catholic Bishops states in response to rising violence that “[w]e have an obligation to respond. Violence – in our homes, our schools and streets, our nation and world – is destroying the lives, dignity and hopes of millions of our sisters and brothers.” To that point, the Church supports legislation that controls the sale and use of and strengthens regulations on dangerous firearms, and other such legislation that makes guns safer.

In practice, the Conference supports legislation that restricts access to lethal weapons that endanger entire communities. When community members are not in fear of their lives, they can live up to their God-given potential and enrich the world around them. Every person has a right to life, and the Conference will continue to work to combat violence and promote a culture of peace. Banning dangerous and lethal weapons such as untraceable or undetectable firearms is a manageable and efficient way to curb the rising culture of violence. Recent events in the United States have made gun safety legislation a primary goal, and the Conference earnestly supports the banning of these devices that contribute to that effort.

The Conference appreciates your consideration and, for these reasons, respectfully requests a favorable report on Senate Bill 624.

BradySECGhost Guns MD Senate Written Testimony 217

Uploaded by: Landau, Mindy

Position: FAV

Testimony of Mindy Landau, Brady United Against Gun Violence, Maryland State
Executive Committee

Support for SB 0624

Before the Maryland Senate Judicial Proceedings Committee

February 17, 2021

Chairman Smith, Vice Chair Waldstreicher and other distinguished members of the Judiciary Proceedings Committee – I thank you for your support of SB0624. I am a proud member of the Maryland State Executive Committee for Brady United Against Gun Violence, one of the oldest gun violence prevention organizations in the country, and a co-founder of its Montgomery County Chapter. Before retiring recently, I was a federal employee for 40 years.

As you are no doubt painfully aware, gun violence affects all Americans and all Marylanders. In fact, on average, over 680 people die from firearm injuries in Maryland each year.

No community in our state is immune.

That's why we are so proud to support SB 0624 which regulates 'ghost guns' and 3-D printed firearms here in Maryland. This change to our laws will help keep our community and our families safe. These untraceable weapons are a real and growing threat to public safety and to law enforcement. They look, feel and function like a traditional gun – and are just as deadly and dangerous.

Ghost guns undermine all gun laws. They are untraceable and unserialized, and are available to purchase and construct by anyone with an internet connection, without any background check. These "kits" can be bought by prohibited purchasers like domestic abusers, minors, gun traffickers and those who want to intentionally harm others. In fact, ghost guns are intentionally marketed as unregulated and untraceable to appeal to people who want to avoid background checks. This means anyone who has been deemed unfit to possess a firearm could easily manufacture one on a 3-D printer. And since they are created out of polymer plastics and cannot be detected with metal detectors, they can literally be taken anywhere.

The statistics are grim. In 2019, a man living in Silver Spring pled guilty for selling ghost guns to prohibited purchasers. That same year, 117 ghost guns were recovered by Maryland police and in 2020, over 60 guns were recovered in just three months. Between 2016 and 2019, more than 12,000 ghost gun kits were shipped to Maryland, with sales increasing by almost a factor of four during these years.

Gun violence is clearly an epidemic in our country and in our state. Over 700 people die of firearm injuries in Maryland each year. The majority of these deaths are homicides, which kill about 450 Marylanders per year. In Baltimore alone, there were 350 homicides in 2019 and 335 in 2020. Firearms are the leading cause of death among both children and teens in the State of Maryland. These numbers will only increase with the proliferation of unserialized and homemade firearms.

Ghost guns are also nationwide problem. Other states, such as New York, New Jersey, Connecticut, California, and Washington D.C. have all taken action to regulate or ban ghost guns, and several other states are considering similar legislation. And even though California's strong gun laws are similar to those in Maryland, ghost guns there have been especially problematic, as they have been used in three mass shootings in that state – in Saugus (2019), Tehama County (2017) and Santa Monica (2013).

This bill is an important step in keeping ghost guns away from public places and away from our citizens, including children. That is why this legislation is so vital and so welcome. It's an investment in our State's future and Brady Maryland is proud to support it.

SB 624 - MoCo (GA 21).pdf

Uploaded by: Morningstar, Sara

Position: FAV



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 624

DATE: February 15, 2021

SPONSOR: Senator Lee

ASSIGNED TO: Judicial Proceedings

CONTACT PERSON: Sara Morningstar (Sara.Morningstar@montgomerycountymd.gov)

POSITION: SUPPORT

Public Safety- Untraceable and Undetectable Firearms

Senate Bill 624 adds unfinished frames or receivers to the list of regulated firearms in Maryland, requires unfinished frames or receivers to be permanently marked or serialized with identifying information, criminalizes removing such information from the firearm, and limits the transfer of the unfinished frame or receiver. It also provides for suspension or revocation of a firearms dealer's license for convictions related to illegal transfer of unfinished frames or receivers. Additionally, it criminalizes the manufacture, possession, and transfer of covert or undetectable firearms.

Homemade or improvised guns without commercial serial numbers have been dubbed "ghost guns" to describe a type of firearm that is outside the scope of federal and state gun safety laws. Senate Bill 624 addresses the issue of untraceable firearms that cannot be easily identified as firearms due to their shape or configuration, or that can evade metal detectors or x-ray machines creating a potential threat to public safety. In Montgomery County, during recent incidents serving arrest warrants and other public interactions, County police officers have seized privately manufactured firearms not marked with serial numbers or identifying information. Available online with no required background check or other limitation, ghost gun kits can be easily purchased, its component parts assembled with just a few tools, and a deadly weapon created all beyond the reach of Maryland's current gun safety laws.

Montgomery County supports stricter gun safety laws to include untraceable and undetectable firearms which are contributing to gun violence in our State. We would urge the Committee adopt a favorable report on SB 624.

SB0624_Untraceable_Firearms_MLC_FAV.pdf

Uploaded by: Plante, Cecilia

Position: FAV



TESTIMONY FOR SB0624
PUBLIC SAFETY – UNTRACEABLE AND UNDETECTABLE FIREARMS

Bill Sponsor: Senator Lee

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0624 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

There does not seem to be a logical reason for removing the serial number of a gun or building one from component parts purchased on the internet except to do something illicit. Anyone who is found with a gun that the owner has gone to great lengths to conceal from any attempt to register it, should be convicted. If they are found to have done this more than once, the fines and jail time should escalate.

Our Coalition supports the thrust of this bill, in making it illegal to own a gun that does not have a serial number and registration. While we are anxious to ensure that ownership of these guns is prohibited, we do feel that the penalties are slim.

The state has been incarcerating people for decades for having on their person a tiny amount of cannabis, which would not cause any harm. However, this bill is not suggesting any jail time for a first offense, and allows the court to suspend sentence for a second offense. Ownership of an unregistered gun without a serial number is a huge level up from having a tiny amount of cannabis. We think the penalties should be stronger, but we will still support the bill as written in order to make ownership of these guns illegal. We would respectfully suggest that more effort is taken to ensure that the sentence someone receives fits the severity of this crime. We recommend a **FAVORABLE** report in committee.

Giffords Testimony in Support of SB 624.pdf

Uploaded by: Pucino, David

Position: FAV

TESTIMONY IN SUPPORT OF SENATE BILL 624

TO: THE JUDICIAL PROCEEDINGS COMMITTEE

SUBMITTED BY: DAVID PUCINO
SENIOR STAFF ATTORNEY, GIFFORDS LAW CENTER TO
PREVENT GUN VIOLENCE

DATE: FEBRUARY 15, 2021

Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee: thank you for the opportunity to provide this testimony on behalf of Giffords, the gun violence prevention organization led by former Congresswoman Gabby Giffords. I am writing in support of Senate Bill 624, which would prohibit dangerous untraceable firearms, which are often referred to as “ghost guns.”

GHOST GUNS ARE DESIGNED TO AVOID BACKGROUND CHECKS AND TO BE UNTRACEABLE

Since the Gun Control Act was enacted in 1968, all firearms manufacturers and importers have placed serial numbers on all firearms sold in the United States. When a firearm is sold by a retailer to a consumer, the retailer retains records of the transaction. This enables a law enforcement process known as “tracing”: when a crime gun is recovered, the serial number allows investigators to trace the firearm back to its retail sale, a critically important piece of information for a firearms investigation.

In addition, before the retail sale of any firearm, a retailer must initiate a background check on the buyer. This background check determines whether the buyer is legally eligible to possess a firearm, and thus prevents people who are prohibited from possessing a firearm from obtaining one.

When it works correctly, the background check, serialization, and record-keeping requirements also discourage firearm trafficking and give law enforcement tools to investigate and crack down on trafficking rings.

Ghost guns disrupt this process. Ghost gun purveyors avoid the range of federal laws pertaining to firearms by exploiting a loophole in the way that the federal government currently defines a “firearm.” By statute, a “firearm” includes “any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive” or “the frame or receiver of any such weapon.”¹ This means that, of all the components that make up a firearm, only one—a “frame” on a handgun, or a “receiver” on a long gun, a key component that houses the firing mechanism—is subject to federal regulation. It is this component, and this

¹ 18 U.S.C. § 921(a)(3).

component alone, that requires a serial number, a background check before sale, and recording of the sale. Once one has acquired a frame or receiver, one can obtain the rest of the parts needed to assemble a firearm without having to pass a background check.

To avoid federal firearm laws, ghost gun purveyors claim they are not selling frames or receivers; instead, they say they are selling “unfinished” frames or receivers, components that have been machined so that they are almost fully functional frames or receivers, but are not considered “frames” or “receivers”—and therefore are not considered “firearms”—for the purposes of federal law. As a result, ghost gun purveyors can sell unfinished frames and receivers, often packaged with all of the other components needed to assemble a firearm, without serializing the product and without conducting a background check. Their customers can then take the package, drill out the few holes needed to convert the “unfinished” piece into a fully functional frame or receiver, and use it to assemble an unserialized, untraceable firearm.

GHOST GUNS ARE A GRAVE AND GROWING THREAT

Ghost guns present a grave and growing danger to the public. Law enforcement are increasingly encountering trafficking rings that are mass-manufacturing and selling untraceable firearms.² And ghost guns are increasingly being used in shootings and by those seeking to commit acts of political violence.

To list just a few examples:

- A man who failed a background check and could not legally purchase a gun built an assault rifle from a ghost gun kit, then used it on a rampage at a college campus, firing 100 rounds and killing five people.³

² E.g., 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>; 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>; Tommy Rowan, 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>; *Cedar Rapids Man Pleads Guilty to Federal Drug and Gun Charges*, CBS2/Fox 28 (Jan. 17, 2020), <https://cbs2iowa.com/news/local/cedar-rapids-man-pleads-guilty-to-federal-drug-and-gun-charges>; Bureau of Alcohol, Tobacco, Firearms & Explosives, *Man Sentenced to 15 Years for Trafficking ‘Ghost Guns’ and Drugs* (Feb. 14, 2020), <https://www.atf.gov/news/pr/man-sentenced-15-years-trafficking-ghost-guns-and-drugs>.

³ Robert Cavnar, *Santa Monica Shooter Built His Gun from Parts He Bought Online*, HUFFINGTON POST (June 15, 2013), https://www.huffingtonpost.com/robert-l-cavnar/santa-monica-shooter-buil_b_3447220.html.

- A man who was prohibited from owning a gun and under prosecution for multiple crimes assembled two assault-style ghost guns from parts he ordered online and went on a rampage with them, killing six people and injure 10 more.⁴
- A sixteen-year-old boy used a self-assembled untraceable firearm in a school shooting in Santa Clarita, CA, killing two students and injuring three others.⁵
- In November of last year, a man was arrested after threatening to “‘blow up’ an FBI building” and threatening Congressional leadership. The man had ordered ghost gun parts, he said, to “start manufacturing implements of war.”⁶
- Ghost guns have repeatedly been used to threaten law enforcement in Maryland. In the summer of 2016 detectives responded to shots fired in West Baltimore, only to be fired on themselves by a man who was firing an assault-style ghost gun.⁷

The threat to public safety growing more severe: the Washington Post has reported that police in “Baltimore and suburban Maryland” have “said they are seeing more of the weapons.”⁸ In late summer of 2019 police recovered a loaded ghost gun equipped with a high-capacity magazine from a man also charged with drug trafficking,⁹ and in December of 2019 a ghost gun trafficker was sentenced in Montgomery County after supplying ghost guns to organized crime members and other persons prohibited from possessing a firearm.¹⁰ In a 2020 investigation, Fox45 News

⁴ Ray Sanchez, Jason Hanna & Phil Gast, *Gunman in Northern California Rampage Was Not Supposed to Have Guns*, CNN (Nov. 15, 2017), <http://www.cnn.com/2017/11/15/us/california-tehama-county-shootings/index.html>; Damon Arthur, *Sheriff: Tehama Shooter Built His Own Illegal Guns*, RECORD SEARCHLIGHT, (Nov. 15, 2017), <http://www.redding.com/story/news/2017/11/15/tehama-shooter-built-his-own-illegal-guns/868737001/>.

⁵ Dakin Andone, *The Gunman in the Saugus High School Shooting Used A ‘Ghost Gun,’ Sheriff Says*, CNN (Nov. 21, 2019), <https://www.cnn.com/2019/11/21/us/saugus-shooting-ghost-gun/index.html>.

⁶ Alan Feuer, *Man Arrested Over Threat to Schumer and Vow to ‘Blow Up’ F.B.I.*, N.Y. Times (Nov. 10, 2020), <https://www.nytimes.com/2020/11/10/nyregion/brian-maiorana-threat-fbi-schumer.html>.

⁷ *Homemade, Untraceable Guns Pose Threat to Police*, WMAR Baltimore (Sept. 22, 2016), <https://www.wmar2news.com/news/crime-checker/baltimore-city-crime/homemade-untraceable-guns-pose-threat-to-police>; see also David Collins, *Police: Man Fired Several Shots at Officers in West Baltimore*, WBALTV (July 18, 2016), <https://www.wbaltv.com/article/police-man-fired-several-shots-at-officers-in-west-baltimore/7101771>.

⁸ Peter Hermann & Tom Jackman, *District Seeks to Ban ‘Ghost Gun’ Kits as Seizures of Homemade Weapons Soar*, Washington Post (Feb. 27, 2020), https://www.washingtonpost.com/local/public-safety/district-seeks-to-ban-ghost-gun-kits-as-seizures-of-homemade-weapons-soar/2020/02/27/d12be0da-5416-11ea-9e47-59804be1dcfb_story.html.

⁹ Erika Butler, *Edgewood Man Sleeping on Bel Air Sidewalk had ‘Ghost Gun,’ Drugs, Police Say*, Baltimore Sun (Aug. 16, 2019), <https://www.baltimoresun.com/maryland/harford/aegis/cng-ag-belair-gun-arrest-0816-20190816-kqoovj7jhzbxbful3qriywrme-story.html>.

¹⁰ Kyle Cooper, *Long Prison Term for Maryland Man Who Sold Untraceable Guns to Criminals*, WTOP News (Dec. 4, 2019), <https://wtop.com/montgomery-county/2019/12/long-prison-term-for-maryland-man-who-sold-untraceable-guns-to-criminals/>.

Operation: Crime & Justice found that sales of ghost gun kits to Maryland quadrupled over a four year period, with over 12,000 kits representing more than a million dollars sold from 2016 through 2019.¹¹ That same investigation also found that the number of ghost guns recovered from crimes was sharply increasing, with particular spikes in Prince George’s County and Baltimore.

ADDRESSING THE PROBLEM WHILE ACCOMMODATING HOBBYISTS

S.B. 624 would cut the supply of ghost guns off at the source by closing the loopholes that allow them to be sold without a background check or serial number. It would create a system that would ensure that buyers have passed a background check and that the resulting firearm is traceable.

It would thus address the rising danger of ghost guns, but the legislation is carefully crafted to accommodate hobbyists who build weapons in their spare time. There is an explicit exception for the kinds of historically accurate muskets and flintlock firearms and other “antique firearms” that are crafted by historical enthusiasts and hobbyists.¹² It will also not prevent a person from obtaining an unfinished frame or receiver and building a firearm at home. It will merely require a serial number and a license that establishes that the person is legally permitted to possess firearms.

CLARIFYING RECORD-KEEPING OBLIGATIONS

I would like to take this opportunity so suggest that a small change to the legislation is necessary to make it fully effective. As currently drafted, this legislation requires that sellers retain “a record log of any sale or transfer of a firearm or an unfinished frame or receiver as required by federal law and regulation.” A record-keeping requirement of the kind contemplated here is necessary to link a serial number to a purchaser. The intent seems to be to incorporate by reference the record-keeping standards that currently exist under federal law, and to apply them to unfinished frames and receivers. But as drafted, this language could be misinterpreted and read only to *re-state* federal record-keeping requirements, which the federal government does not currently understand as applying to unfinished frames and receivers. If this language were misinterpreted in that way, the sellers of unfinished frames and receivers could escape these record-keeping requirements.

¹¹ Joy Lepola, *ATF Finding More Untraceable Guns “Ghost Guns” in Baltimore*, Fox 45 News (Nov. 26, 2020), <https://foxbaltimore.com/features/operation-crime-justice/atf-finding-more-untraceable-guns-ghost-guns-in-baltimore>.

¹² Section 4-201 of the Criminal Law Article, from which this bill takes its definition of “antique firearm,” defines the term to include:

- (1) a firearm, including a firearm with a matchlock, flintlock, percussion cap, or similar ignition system, manufactured before 1899; or
- (2) a replica of a firearm described in item (1) of this subsection that:
 - (i) is not designed or redesigned to use rimfire or conventional centerfire fixed ammunition; or
 - (ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

I would thus advise that Section 5-704(c)(4) be amended as follows:

Delete Current language

~~A FEDERALLY LICENSED FIREARMS DEALER, FEDERALLY LICENSED FIREARMS MANUFACTURER, AND FEDERALLY LICENSED FIREARMS IMPORTER SHALL MAINTAIN A RECORD LOG OF ANY SALE OR TRANSFER OF A FIREARM OR AN UNFINISHED FRAME OR RECEIVER AS REQUIRED BY FEDERAL LAW AND REGULATION;~~

Add:

A PERSON WHO SELLS OR TRANSFERS A FIREARM OR AN UNFINISHED FRAME OR RECEIVER THAT HAS BEEN MARKED IN ACCORDANCE WITH SUBSECTIONS (A) AND (B) OF THIS SECTION SHALL KEEP RECORDS OF SUCH TRANSFER OR SALE, INCLUDING THE SERIAL NUMBER OF THE PRODUCT, THE NAME AND ADDRESS OF THE PERSON RECEIVING THE PRODUCT, THE DATE OF THE TRANSFER OR SALE, AND THE HANDGUN QUALIFICATION LICENSE NUMBER OF THE PERSON RECEIVING THE PRODUCT, AND SHALL MAKE SUCH RECORDS AVAILABLE TO LAW ENFORCEMENT UPON REQUEST.

This change will help ensure the integrity of the tracing system that this bill will enable, and further promote gun safety in Maryland and across the country.

Thank you again to the Committee for the opportunity to provide this testimony. I urge you to support this critically important legislation.

Respectfully Submitted,

David Pucino
Senior Staff Attorney
Giffords Law Center to Prevent Gun Violence

ABOUT GIFFORDS

Giffords is a nonprofit organization dedicated to saving lives from gun violence. Led by former Congresswoman Gabrielle Giffords, Giffords shifts culture, changes policies, and challenges injustice, inspiring Americans across the country to fight gun violence.

SB624_MNADV_FAV.pdf

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Position: FAV



BILL NO: Senate Bill 624
TITLE: Public Safety - Untraceable and Undetectable Firearms
COMMITTEE: Judicial Proceedings
HEARING DATE: February 17, 2021
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 624.**

Senate Bill 624 would require a serial number for unfinished frames or receivers for firearms. Currently the sale of these unfinished frames or receivers are unregulated and they are a necessary component to build a “ghost gun.” These “ghost guns” can be purchased online, built at home, are untraceable because they lack serial numbers, and circumvent the entire background check and training required for other firearms. SB 624 does not prohibit “ghost guns” it merely requires that they be subject to the already existing requirements for gun ownership in Maryland law.

Maryland law currently prohibits certain persons from owning or possessing firearms including when previously convicted of certain crimes, when under a civil protective order, or pursuant to an Extreme Risk Protective Order. Since “ghost guns” bypass the background check process and are unregulated and untraceable, the otherwise prohibited persons can legally obtain fully functioning firearms. SB 624 seeks to ensure that these “ghost guns” are traceable and that existing law apply to owners and dealers of these weapons.

Higher rates of firearm ownership correlate to a higher rate of domestic violence homicide according to a 2019 study.¹ There is a 65% higher incidence rate of domestic firearm homicide in the states with the highest firearm ownership compared to states with lower ownership rates.² Since women are the most common victims of domestic violence homicide, they are most at risk with increased gun ownership.³ Black women are disproportionately the victims of domestic violence homicide with a firearm with an

¹ Kivisto, A.J., Magee, L.A., Phalen, P.L., Ray, B.R. (2019). Firearm ownership and domestic versus nondomestic homicide in the U.S. American Journal of Preventive Medicine, Abstract: [https://www.ajpmonline.org/article/S0749-3797\(19\)30197-7/fulltext#articleInformation](https://www.ajpmonline.org/article/S0749-3797(19)30197-7/fulltext#articleInformation)

² Merovsh, Sarah. “Gun Ownership Rates Tied to Domestic Homicides, but Not Other Killings, Study Finds,” NY Times, (July 22, 2019) <https://www.nytimes.com/2019/07/22/us/gun-ownership-violence-statistics.html>

³ *Id.*

For further information contact Melanie Shapiro • Public Policy Director • 301-852-3930 • mshapiro@mnadv.org



estimated 51.3% of Black adult female homicides found to be related to intimate partner violence.⁴ The risk of homicide for women increases by 500% with the presence of a gun in the home.⁵

For the above stated reasons, the **Maryland Network Against Domestic Violence** urges a favorable report on **SB 624**.

⁴ Petrosky, E., Blair, J.M., Betz, C.J., Fowler, K.A., Jack, S.P.D., & Lyons, B.H. (2017). Racial and ethnic differences in homicides of adult women and the role of intimate partner violence - United States, 2003-2014. MMWR. Morbidity and Mortality Weekly Report, 66(28), 741-746. Retrieved from <https://www.cdc.gov/mmwr/volumes/66/wr/pdfs/mm6628a1.pdf>.

⁵ The National Domestic Violence Hotline, Retrieved 1/29/21, <https://www.thehotline.org/resources/safety-planning-around-guns-and-firearms/>

For further information contact Melanie Shapiro • Public Policy Director • 301-852-3930 • mshapiro@mnadv.org

SB624 Danielle Veith Testimony.pdf

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Position: FAV

Written Testimony of Danielle Veith

In SUPPORT of SB624

TO: Chair Will Smith, Vice-Chair Jeff Waldstreicher, and Members of the Senate Judicial Proceedings Committee

FROM: Danielle Veith, Kensington (District 18)

DATE: February 15, 2021

Currently in our state, illegal gun traffickers, violent domestic abusers, convicted felons, and a host of others who couldn't pass a background check, can legally purchase unfinished frames and receivers and other parts and kitsⁱ which can easily be turned into guns, with no questions asked. Right now, anyone can purchase the building blocks of a firearm online without a background check and, without any special equipment or expertise, use those parts to create what's known as a "ghost gun." These weapons have no serial numbers, making them impossible to trace when used in crimes. These untraceable, and in the case of all-plastic 3D-printed guns, undetectable firearms threaten our public safety, thwart law enforcement investigations, and allow criminals to end-run Maryland's strong gun laws. SB624 would address gaps in existing gun laws and help to keep ghost guns out of dangerous hands.

Two years ago, when legislation to confront this issue was first introduced, I testified that, "ghost guns may not seem to be a big part of the gun violence crisis right now, but it's a problem that's growing at an alarming rate, and it's a problem that's going to make that crisis even worse if we don't do something about it now." Since then, ghost guns have gone from a seemingly minor threat to an exponentially more dangerous problem across the country. In Maryland, the ATF reported the recovery of 117 ghost guns in 2019, nearly a quarter recovered in the city of Baltimore alone. In 2020, the Baltimore City Police Department recovered more than three times as many ghost guns by December 1 as it had in all of 2019.ⁱⁱ In neighboring DC, law enforcement officials recovered only three ghost guns from crime scenes in 2017. By 2018, it was up to 25, and by 2019, they found 115 ghost guns.ⁱⁱⁱ In California, law enforcement is already finding that *30 percent of all guns recovered* are un-serialized ghost guns.^{iv}

Eight states and the District of Columbia have already passed ghost gun laws to regulate 3D printed or DIY firearms. Maryland should be the next state to join New Jersey, Rhode Island, Connecticut, California, New York, Washington, Massachusetts, and Virginia.

Once the domain of a few skilled hobbyists and artisans, homemade firearm manufacturing has become an appealing new hobby for criminals and prohibited purchasers. Easy, unfettered access to these kits, along with rapidly advancing 3-D printing technology,^v means that anyone can now legally possess everything needed to assemble a ghost gun, regardless of age, criminal history or other prohibiting causes. These DIY kits are carefully designed by unscrupulous sellers to come as close to providing the end user with a firearm as possible without falling under the legal definition of a "firearm." After purchasing one of these kits, without a background check, all someone would need to build a fully functioning firearm are a few basic tools and access to instructional videos on YouTube.

Not only do ghost guns evade our background check system, some of these weapons can also evade detection. In addition to tackling the danger posed by untraceable, un-serialized firearms, SB624 would also protect law enforcement and the general public from undetectable weapons that could be carried through metal detectors or disassembled to evade x-ray machines. By putting in place reasonable regulations prohibiting the purchase, possession, sale, and manufacture of undetectable, untraceable, and un-serialized firearms, this legislation makes sure that our laws are keeping up with rapid changes in technology and the rising threat of ghost guns.

Increasingly, gun traffickers have learned they can make a lot of money selling ghost guns and ghost gun parts, especially in states like ours with stronger gun laws. According to a recent *Baltimore Magazine* article, "the path of

crime guns within the Iron Pipeline—from retail establishment of origin to the underground gray and black markets—is varied and loose... A small but fast-rising number of crime guns in Baltimore (51 through September) are so called ‘ghost guns,’ firearms legally made from mail-order kits without serial numbers and resold on the street—again, mostly from sources outside the city.”^{vi}

Because ghost guns cannot be traced by law enforcement, their proliferation will also have a negative impact on crime rates for another reason. Across the country, we not only have a gun violence crisis, we also have a crisis of unsolved shootings. With most cases, when police find a gun at a crime scene, they can use the serial numbers to do a trace to learn about where the weapon came from, identify potential suspects, and learn about gun trafficking patterns. With ghost guns, they can’t, which means they have no leads and there will be even more unsolved murders. The systemic failure to solve gun crimes isn’t just heartbreaking for families and communities, it fuels more violence. Shooters walk free, getting away with their crimes, people lose faith in the police, and some decide to try to find justice on their own.

In American cities hit hardest by gun violence, and especially Baltimore, the odds that police will solve a shooting are “abysmally low and dropping,” according to *The Trace*. Just like with gun violence, the burden of unsolved shootings disproportionately impacts Black and brown communities. According to FBI data, when someone is shot and killed, white victims can expect an arrest 53% of the time, but if the victim is Black or Hispanic, the arrest rate is only 35%.^{vii} Baltimore’s murder clearance rate is among the worst in the country.^{viii} There are already too many unsolved murders without making investigations more difficult, which the proliferation of ghost guns undoubtedly is doing.

Here are just a few examples of what the ghost gun problem looks like (**Maryland-specific stories in bold**):

- 1) In 2013, a CA man shot and killed five people and wounded four in Santa Monica with a homemade AR-15-style rifle.^{ix}
- 2) **In July 2016, a gunman in Baltimore used an AR-15 assault-style rifle that he’d assembled to shoot at four police officers who returned fire and killed him.**^x
- 3) In November 2017, a man with severe mental illness and a criminal history prohibiting him from purchasing firearms, got around CA’s tough gun laws by ordering parts to assemble an AR-15 assault-style rifle, and shot and killed 5 people and wounded 12, including 3 children, in Rancho Tehama Reserve.^{xi}
- 4) In January 2018, a New Jersey man was arrested for unlawfully manufacturing and selling ghost guns out of his home.^{xii}
- 5) Also in January 2018, the *Wall Street Journal* reported, in an article titled, “The Rise of Untraceable ‘Ghost Guns,’” about a man manufacturing untraceable firearms in the Los Angeles machine shop where he worked who had sold five weapons to a convicted felon turned gun trafficker and offered to deliver 100 more before he was caught.^{xiii}
- 6) **On February 15, 2018, one day after the Parkland, Florida, school massacre, a high school student at Clarksburg High School in Montgomery County, Maryland was arrested bringing in a handgun he built at home using tools from a home improvement store.**^{xiv}
- 7) On February 13, 2019, a Dallas man who was prohibited from possessing firearms was sentenced to eight years in prison after he was arrested two years earlier with a partially 3D-printed AR-15 assault-style rifle and a hit list of lawmakers’ addresses.^{xv}
- 8) **Also in February 2019, a US Coast Guard lieutenant, who had amassed an arsenal of firearms and gun components used to fabricate untraceable home-built weapons, was arrested by federal authorities who said he was planning a domestic terrorist attack.**^{xvi}
- 9) In July 2019, in nearby Alexandria Virginia, a convicted felon prohibited from possessing a firearm killed his 84-year-old grandfather with a gun he built from parts purchased online.^{xvii}
- 10) **On August 13, 2019, police said they found a loaded “ghost gun” with a high-capacity magazine attached, as well as cash and drugs, on an Edgewood man sleeping on a sidewalk in Bel Air.**^{xviii}

- 11) In November 2019, a ghost gun was used in the Santa Clarita school shooting, where the gunman shot five classmates, killing two.^{xix}
- 12) In December 2019, a Montgomery County, Maryland, man who sold illegal guns to drug dealers, heroin users, robbers and gang members, was sentenced to 9 years after the State's Attorney and County police worked for two years to take "this purveyor of ghost guns" off the streets, so that "our region has one less source for illegal guns."^{xx}
- 13) In January 2020, the FBI arrested 3 white supremacists in Maryland ahead of the MLK Day gun rights rally in Richmond, who "planned to start a race war" and were in possession of a fully automatic homemade machine gun.^{xxi}

That's not at all an exhaustive list, just a few news reports that were easy to find with a quick search online.

We have a lot of work to do in Maryland to fix our gun violence problem. The laws that we enact as a state say something about our priorities—untraceable, undetectable firearms pose too great a risk to the safety of our communities. We all know there is no one solution to the levels of gun violence we experience in the United States or in Maryland. However, preventing the exponential proliferation of ghost guns, before it's too late to do anything about it, is a critical step toward reducing gun violence. Please support SB624 to regulate the DIY manufacture of undetectable and untraceable firearms, helping to keep firearms out of dangerous hands.

ⁱ <https://everytownresearch.org/report/the-rising-specter-of-ghost-guns>

ⁱⁱ <https://foxbaltimore.com/features/operation-crime-justice/number-of-ghost-guns-recovered-in-baltimore-more-than-triples>

ⁱⁱⁱ <https://www.washingtoncitypaper.com/news/city-desk/blog/21109272/dc-recovered-115-ghost-guns-in-2019-up-from-25-the-year-before>

^{iv} <https://www.thetrace.org/2019/05/ghost-gun-california-crime>

^v <https://everytown.org/report/the-danger-of-downloadable-guns>

^{vi} <https://www.baltimoremagazine.com/section/community/iron-pipeline-gun-violence-out-of-state-traffickers>

^{vii} <https://www.thetrace.org/features/murder-solve-rate-gun-violence-baltimore-shootings>

^{viii} <https://www.washingtonpost.com/graphics/2018/investigations/unsolved-homicide-database/?city=baltimore>

^{ix} <https://www.latimes.com/local/la-xpm-2013-jun-12-la-me-santa-monica-gun-20130613-story.html>

^x <https://www.nbcnews.com/news/us-news/california-mass-shooter-made-his-own-killing-machines-n821516>

^{xi} <https://michellawyers.com/wp-content/uploads/2021/01/McFadyen-2019-11-14-Complaint.pdf> ;

<https://maps.everytownresearch.org/massshootingsreports/mass-shootings-in-america-2009-2019/> ;

<https://www.nbcnews.com/news/us-news/california-mass-shooter-made-his-own-killing-machines-n821516>

^{xii} https://www.nj.com/atlantic/2018/01/man_was_building_selling_dozens_of_ghost_guns_out.html

^{xiii} <https://www.wsj.com/articles/the-rise-of-untraceable-ghost-guns-1515061800>

^{xiv} <https://www.germantownpulse.net/single-post/2018/04/12/germantown-teen-who-brought-e2-80-9cghost-gun-e2-80-9d-to-clarksburg-high-school-to-expe>

^{xv} <https://www.justice.gov/usao-ndtx/pr/man-carrying-prohibited-3d-printed-gun-found-list-lawmakers-addresses>

^{xvi} <https://www.wsj.com/articles/coast-guard-officer-accused-of-planning-terror-attack-amassed-an-arsenal-11550789657>

^{xvii} https://www.washingtonpost.com/local/public-safety/angry-over-being-kicked-out-he-shot-his-grandfather--then-tried-to-cut-off-the-84-year-olds-head/2019/02/08/756084fa-2b0d-11e9-b011-d8500644dc98_story.html?fbclid=IwAR1REc9y2b2h7dSifAYTkYNDaP_iFwL-4gK8TEsbkXMTpj72866qJHp9vM

^{xviii} <https://www.baltimoresun.com/maryland/harford/aegis/cng-ag-belair-gun-arrest-0816-20190816-kqoovj7jhzgbxful3qriywrme-story.html>

^{xix} <https://www.latimes.com/california/story/2019-11-21/santa-clarita-shooting-45-caliber-gun-saugus-high-attack-a-ghost-gun-sheriff-says> & <https://www.thetrace.org/2019/11/santa-clarita-school-shooting-ghost-gun>

^{xx} <https://www.nbcwashington.com/news/man-gets-9-years-in-prison-in-ghost-guns-case/2182577/>

^{xxi} <https://www.thetrace.org/2020/01/white-supremacists-the-base-fbi-virginia-diy-ghost-gun>

Ghost Guns SB 624_HB638.pdf

Uploaded by: Herren, Karen

Position: FWA



Testimony in Support of Public Safety - Untraceable and Undetectable Firearms

SB 624/HB 638

Karen Herren, JD, Director of Legislative Affairs
Marylanders to Prevent Gun Violence

February 17, 2021

Dear Chairman Smith, Vice-Chair Waldstreicher, and Members of the Committee,

Marylanders to Prevent Gun Violence is a statewide, grassroots organization dedicated to reducing gun deaths and injuries throughout the state of Maryland. MPGV has a particular focus on reducing urban gun violence and gun suicide. **We urge the committee to vote FAVORABLE with AMENDMENT on Senate Bill 624 to regulate untraceable and undetectable firearms.**

What the bill addresses

This piece of legislation seeks to address a form of firearms that are untraceable by law-enforcement. These self-assembled firearms—which can be built from kits or otherwise assembled parts — are referred to as ghost guns because they do not come with a serial number and are untraceable. In the traditional manufacturing process, the firearm manufacturer or importer will affix a serial number and markings that identify the manufacturer or importer, make, model, and caliber. Using this information, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) can track firearms from the manufacturer or importer through the distribution chain to the first retail purchaser. ATF works extensively with other law enforcement agencies to trace crime guns using this technique. Tracing is a powerful investigative tool, but it is dependent on the ability to identify firearms based on their serial numbers. Because the purveyors of the parts and kits used to make untraceable guns claim that they are not selling firearms, they also assert that these serialization requirements do not apply to them. Without a serial number, law enforcement cannot run a trace search on a firearm, making it difficult, if not impossible, to determine the chain of custody.

Kit or parts buyers are also and crucially allowed to circumvent the state's strong gun laws as the acquisition of these parts do not currently require any of the necessary safety steps (such as background checks) to keep guns out of the hands of prohibited people.

How SB 624 addresses the problem

This legislation mandates a serialization process and provides a mechanism to instigate a background check. The current lack of these two components make ghost guns particularly enticing to people who are either not currently permitted to purchase firearms or otherwise wish to have an untraceable weapon. Maryland has a robust system of laws related to the regulation of firearms, created by this body, passed in an effort to curb the tragedy of gun violence in this state. Individuals are using ghost guns as a work around, undermining the entire system.

The effects of not addressing the problem

Law enforcement around the United States is seeing an alarming increase in the number of ghost guns being recovered in investigations. California was among the first to report seeing these untraceable weapons show up in crimes. Two years ago they indicated that they were seeing 30% of recovered guns as un-serialized weapons. At the time, Maryland had not begun to carefully track recovery. In 2019, the ATF recovered 117 ghost guns in Maryland. Nearly a quarter of those were recovered in Baltimore. By December of 2020, Baltimore City Police had recovered more than three times as many ghost guns than they had in [2019](#). The Montgomery County Police Department reported collecting over 40 ghost guns in 2020 during investigations.

Critical amendment

MPGV supports SB 624 with the following amendment:

Amend § 5-704(c)(4) with the following:

Delete Current language

~~A FEDERALLY LICENSED FIREARMS DEALER, FEDERALLY LICENSED FIREARMS MANUFACTURER, AND FEDERALLY LICENSED FIREARMS IMPORTER SHALL MAINTAIN A RECORD LOG OF ANY SALE OR TRANSFER OF A FIREARM OR AN UNFINISHED FRAME OR RECEIVER AS REQUIRED BY FEDERAL LAW AND REGULATION;~~

Add:

A PERSON WHO SELLS OR TRANSFERS A FIREARM OR AN UNFINISHED FRAME OR RECEIVER THAT HAS BEEN MARKED IN ACCORDANCE WITH SUBSECTIONS (A) AND (B) OF THIS SECTION SHALL KEEP RECORDS OF SUCH TRANSFER OR SALE, INCLUDING THE SERIAL NUMBER OF THE PRODUCT, THE NAME AND ADDRESS OF THE PERSON RECEIVING THE PRODUCT, THE DATE OF THE TRANSFER OR SALE, AND THE HANDGUN QUALIFICATION LICENSE NUMBER OF THE PERSON RECEIVING THE PRODUCT, AND SHALL MAKE SUCH RECORDS AVAILABLE TO LAW ENFORCEMENT UPON REQUEST.

Explanation for Amendment

This record-keeping language is critically important because it is the only way that the serial numbers will have any meaning. Without these records, it will not be possible to link a serial number up to a retail sale, and therefore it will not enable tracing.

The problem is that the current language specifies that the records be kept “as required by federal law and regulation.” While this language is intended to import the specific standards for record keeping that exist under federal law, this could easily be read as only applying where federal law already applies, and under existing federal law and regulation, as interpreted by the federal government, there are no record-keeping requirements for unfinished frames and receivers. As drafted, existing ghost gun companies would be able to continue to exploit the same loopholes their industry relies on to evade Maryland’s record keeping requirement, and thereby continue to sell untraceable ghost guns. An additional benefit to the suggested language is that it codifies the availability of these records to law enforcement which would hopefully ease the tracing process by setting the authority to trace the records.

Conclusion

Efforts to prohibit ghost guns last year were met with opposition by gunsmiths and hobbyists who enjoy the process of creating firearms without the intent of harm or crime. The changes created with this new legislation should allow them a way in which they can continue their efforts while simultaneously plugging the holes created by unregulated ghost guns. With adjustments to §5-704(c)(4) as explained above, we ask for a **FAVORABLE WITH AMENDMENT** report on SB 958.

2021-02-17 SB 624 (Support with Amendments).pdf

Uploaded by: Jung, Roy

Position: FWA



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.
(410) 576-6380

February 17, 2021

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

FROM: The Office of the Attorney General

RE: SB 624 – Public Safety - Untraceable and Undetectable Firearms – **Support with Amendments**

The Office of the Attorney General urges a favorable report of Senate Bill 624—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 firearm or frame or receiver that either lacks a serial number or other identifying information—referred to as “untraceable” firearms—or that is constructed of materials that are not detectable by a metal detector, or that has a configuration that is not detectable as a firearm when viewed through an X-ray machine—referred to as “undetectable” 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 bill would also amend existing law to require a handgun qualification license to purchase, rent, or receive an unfinished firearm frame or receiver.

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, which enables the “tracing” of records.

The “untraceable” ghost guns addressed by this legislation are designed to circumvent these federal and State gun laws. Ghost gun purveyors sell unfinished parts of a firearm, rather than the whole firearm, because the parts themselves do not qualify as a “firearm” that would trigger the serialization requirement. The unfinished parts, however, are easily made into a firearm with commonly available household tools. This process allows the purchasers to go undetected, and un-checked for purposes of background checks.

The presence of these untraceable guns on the streets threatens public safety. Law enforcement officers across the country are increasingly encountering trafficking rings that mass-manufacture and sell untraceable firearms, which are now a consistent and pervasive component of crime in our communities.¹ For example, the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) reports that 30 percent of firearms recovered in California in 2019 were not serialized.² These undetectable ghost guns are often used in shootings—in Maryland and elsewhere—by individuals who would not pass a background check.³

The bill also addresses a second type of ghost gun—“undetectable” guns—that are designed to evade the metal detectors and X-ray machines used to keep our airplanes and public buildings safe. These guns are either made of plastic or other materials that do not set off metal detectors, or they are configured in a way that does not look like a firearm when viewed on an X-ray screen. Like untraceable guns, these undetectable guns are designed to evade existing security measures.

Consistent with the Attorney General’s efforts to protect Maryland residents against the dangers of firearms and gun violence, Senate Bill 624 closes the loopholes that allow for untraceable and undetectable guns in Maryland.

We note, however, that three aspects of the bill require amendments. First, the bill allows a court to “order suspension of prosecution” for violations of the bill if the court finds that the violation was not serious and the person was not likely to offend in the future. Although courts preside over the *outcome* of prosecutions, it would likely offend separation of powers principles to authorize the judiciary to infringe on the executive branch’s power to *pursue* a prosecution. Our understanding is that Delegate Lopez, the sponsor of the companion House Bill, has agreed to propose an amendment striking that portion of the bill, and I’d urge this body to do the same.

Second, we recommend that the bill’s penalty provision be increased to be consistent with the penalties that currently apply to other firearms violations. As written, the bill makes violation a misdemeanor punishable by up to two years imprisonment and or a \$5,000,⁴ whereas firearms violations are typically subject a term of imprisonment of five years and or a \$10,000 fine.⁵ Untraceable and undetectable firearms are just as dangerous as regulated firearms, and we believe that the penalties should reflect that fact.

¹ See EVERYTOWN RSCH. AND POL’Y, UNTRACEABLE: THE RISING SPECTER OF GHOST GUNS 12 (May 14, 2020), <https://everytownresearch.org/wp-content/uploads/sites/4/2020/05/Ghost-Guns-Report-071420A.pdf>.

² See Josiah Bates, *The Saugus High School Shooter Used an Illegal ‘Ghost Gun.’ Authorities Warn More Criminals Are Using Untraceable Weapons to Get Around Gun Laws*, TIME (Nov. 23, 2019, 3:21 PM), <https://time.com/5737227/saugus-shooter-ghost-gun/>.

³ See Richard Winton & Mark Puente, *Rifle Used in Deadly Riverside Shooting Was Untraceable ‘Ghost Gun,’ Sources Say*, BALT. SUN (Aug. 14, 2019, 7:17 PM), <https://www.baltimoresun.com/rifle-used-in-deadly-riverside-shooting-was-untraceable-ghost-gun-sources-say-story.html>.

⁴ See Md. Code Ann., Pub. Safety § 5-705(c)(1) (West 2020).

⁵ See Pub. Safety § 5-144(b).

Finally, the bill includes an exception for firearms or unfinished frames and receivers that have been engraved with a serial number “in accordance with all federal laws and regulations.”⁶ That works for manufacturers, licensees, and dealers, which are subject to federal laws,⁷ but it would not apply to an average citizen who may want to build a firearm and sell it; he or she would not be subject to federal laws requiring serialization. Amending the provision to refer to “any applicable” federal regulations should correct this issue.

With those amendments, and for the reasons stated above, the Office of the Attorney General urges a favorable report of Senate Bill 624.

cc: Members of the Judicial Proceedings Committee

⁶ Pub. Safety § 5-702(3).

⁷ See 18 U.S.C. § 923(i); 27 C.F.R. §§ 478.92(a)(1), 479.102.

Ghost-Guns-1-Pager-071420A.pdf

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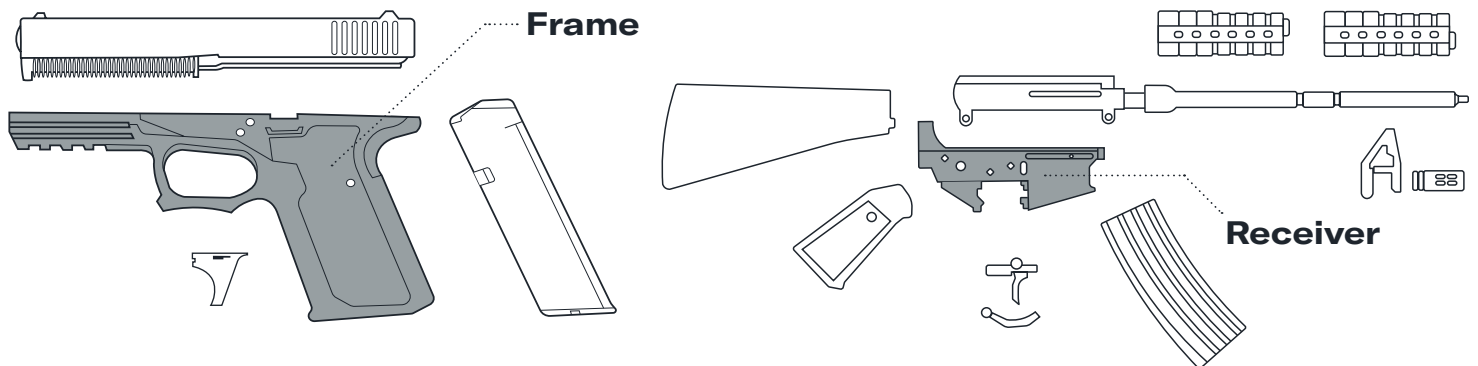
Position: FWA

ATF & the Rising Threat of Ghost Guns

The rise of ghost guns is the fastest growing gun safety problem facing our country. Because of ATF's current interpretation of the law, the core building blocks for a ghost gun are not regulated as "firearms" and therefore can be acquired with no background check and made into a fully functioning, untraceable firearm in less than one hour.


A ghost gun is a DIY, homemade gun made from readily available, unregulated building blocks. It is produced by an individual, not a federally licensed manufacturer or importer.

- A ghost gun has three key, related characteristics: It is unserialized, untraceable, and its building blocks are acquired without a background check.
- Every firearm has a frame or receiver, parts that are regulated as firearms under federal law. Most ghost guns are made with frames and receivers that are not completely manufactured and therefore not regulated as firearms. "Unfinished" frames and receivers can be bought from multiple online retailers, at gun shows, and at stores.



Ghost gun kits are designed and marketed so that almost any person—even one with limited technical skills—can do the necessary work to build a gun.

- Kits often include the necessary drill bits, a tool known as a "jig" that guides the drilling and milling necessary to complete "unfinished" frames or receivers, and the parts to assemble it all into fully functioning firearms.



Complete Black AR15 Build Kit

Reference: M3RBBK-9-BLK-KIT

Condition: New product

Everything needed to go from nothing, to a complete black AR15, unserialized and unregistered. Bundled into a kit to save over \$100. Featuring a billet anodized lower, upgraded MFT butt stock with mid-spec kit, mid-spec lower parts kit with upgraded ergo grip, complete bag, upgraded ambi-extended charging handle, a 16" QPQ barrel, and 15" MLOCK hand guards with an A2 flash hider and BUIS.

\$997.99
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Good kit!

The kit has everything you need to get setup and ready for an affordable price! Definitely recommended!

03/02/2020

Ghost guns are predictably emerging as a weapon of choice for violent criminals, gun traffickers, dangerous extremists, and other people legally prohibited from buying firearms.

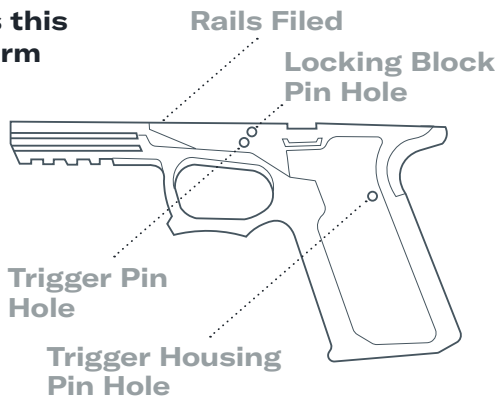
In communities across the country, law enforcement agencies are recovering increasing numbers of ghost guns. For example, 30 percent of the guns being recovered by ATF in California are unserialized.¹

Ghost guns have been used in heinous crimes. In Washington D.C., ghost guns were used in four recent fatal shootings.² In Texas, a man who failed a background check went on a shooting rampage with an assault-style ghost gun that left seven people dead and 22 shot and wounded.³ In Arizona, a neo-Nazi sex offender bragged on Facebook about his arsenal of firearms and homemade assault-style ghost guns.⁴

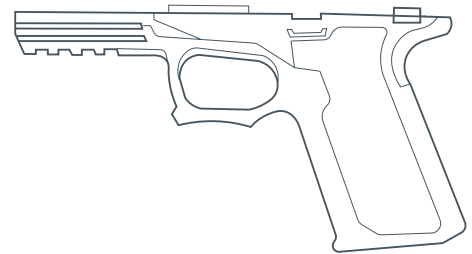
Under ATF's current interpretation of federal law, whether it's a 15-year-old, a felon, a domestic abuser, or a gun trafficker, if the person has a drill and an hour, they can undermine all of our gun safety laws and make a ghost gun.

Federal gun safety laws regulate "firearms," including frames or receivers that can readily be converted into an operable firearm.⁵ ATF has taken the flawed position that frames and receivers do not qualify as a firearm until they have been completely drilled out (see illustration below), even though unfinished frames and receivers can be made into a firearm in less than one hour.⁶

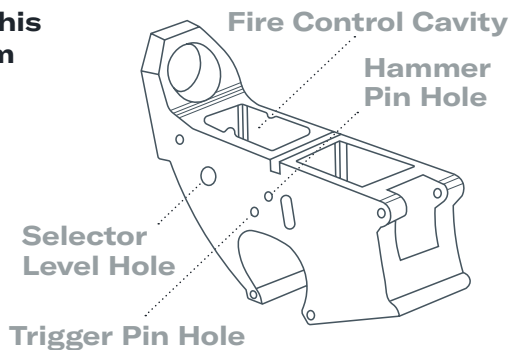
**ATF says this
is a firearm**



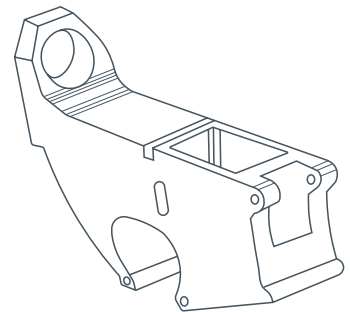
**ATF says this
is not a firearm**



**ATF says this
is a firearm**



**ATF says this
is not a firearm**



ATF should clarify the regulation and enforce the law. It should adopt a new definition of "firearm frames and receivers" that would reassert regulation over ghost guns—like the proposed new definition formally submitted to ATF by Everytown in December 2019.

If ATF fails to act, Congress should clarify its intent by passing a new law, states should prohibit the purchase and sale of ghost guns, attorneys general should interpret state laws to include ghost gun parts, law enforcement should collect data and report on the availability and use of ghost guns, and, finally, companies that facilitate sales of ghost guns (e.g., credit cards, internet service providers) should take measures to prevent the spread of ghost guns.

1. Alain Stephens, "Ghost Guns Are Everywhere in California," *The Trace*, May 17, 2019, <https://bit.ly/2T5YAGW>.

2. Peter Hermann, "D.C. mayor signs law banning 'ghost gun' kits from District," *Washington Post*, March 11, 2020, <https://wapo.st/3eq7s1L>.

3. Dan Frosch, Sadie Gurman, and Zusha Elinson, "Authorities Suspect Man of Making and Selling Gun Used in Texas Shooting," *Wall Street Journal*, September 4, 2019, <https://on.wsj.com/2TaNG2N>.

4. Meg O'Connor, "How Facebook Led the FBI to Seize Guns from an Arizona 'Neo-Nazi,'" *Phoenix New Times*, May 16, 2019, <https://bit.ly/2T8LMj9>.

5. 18 U.S.C. § 921(a)(3).

6. Letter from John R. Spencer, Chief, Firearms Technology Branch, ATF, to Chris Coad, Ultra-Tech, Inc. (May 20, 2009); Letter from John R. Spencer, Chief, Firearms Technology Branch, ATF, to Rick W. Miller, G&S Precision Machine (July 24, 2009); Letter from Earl Griffith, Chief, Firearms Technology Branch, ATF, to Bradley Reece, Palmetto State Defense, LLC (Nov. 22, 2013); Letter from John R. Spencer, Chief, Firearms Technology Branch, ATF, to Alan Aronstein, Hi-Standard Manufacturing Company (Sept. 23, 2012).

SB624_FAV_LeeSponsorTestimony.pdf

Uploaded by: Lee, Susan

Position: FWA

SUSAN C. LEE
Legislative District 16
Montgomery County

MAJORITY WHIP

Judicial Proceedings Committee

Joint Committee on
Cybersecurity, Information Technology,
and Biotechnology

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Maryland Legislative Asian American
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THE SENATE OF MARYLAND ANNAPOLIS, MARYLAND 21401

February 17, 2021
Senate Judicial Proceedings Committee

Senate Bill 624 - Public Safety - Untraceable and Undetectable Firearms “Ghost Guns”

Untraceable Firearms are not just guns with serial numbers crossed off, they also include guns that have been designed to get around state laws, and the federal definition of a firearms. These are not homemade guns in the traditional sense. Today in this do it yourself culture, we are not just buying meal kits, we are buying gun kits. Someone who prepares a meal from a kit is just about as much of a chef as someone is a gun manufacturer for drilling a few holes into an unfinished lower receiver. We cannot allow the exception to swallow the rule.

The state of Maryland can join many other states that have recognized the proliferation of so-called 80% receiver sales on the internet, and have deemed public safety to be a priority. SB 624 is a nuanced approach to restrict gun sales to bypass our background check system in Maryland. This is a different approach than our bill last year SB 958, which would have banned ghost guns completely in the state of Maryland. Lawful hobbyists should applaud this evolution.

After consultation with law enforcement and activists from a wide range of perspectives, including hobbyists, our bill creates a background check process through our existing Handgun Qualification License (HQL), and a serialization process in-line with our existing requirements for firearms sold in Maryland. The costs are de minimus to enact this bill, the cost of inaction is sizable as MS-13 and other organizations exploit these loopholes to avoid detection and prosecution.

As for the justification of this bill, I challenge you to watch a video of kids assembling guns with mere hand-drills. After the veto-override of SB208 and HB4 from 2020, we can't let one loophole be filled while another metastasizes. These guns are used in serious crimes for the specific purpose that they are not traceable and don't require background checks. The penalty

should be similar to crossing off a serial number on a gun purchased lawfully. Prosecutorial discretion will play an important role for the implementation of this bill, so we have an amendment to remove references to the enforcement of those provisions and clarified that the registration of these guns of course includes the serial number engraved on the former ghost gun.

This bill does not hamper lawful possession or construction of firearms, but it does close a deadly background check loophole, and provides law enforcement a mechanism to investigate crimes, as they would for any other firearm manufactured after 1968. Again, these are not guns made from a gunsmith, if the users want to fashion a gun from scratch, they would be exempt under the language of this bill. The term “firearm” under federal law is the tripping point here, and the difference between an 80% lower receiver and a “firearm” are potentially just 4 little holes, as can be seen on the testimony submitted titled ATF & the Rising Threat of Ghost Guns.

To review, a ghost gun is a do it yourself gun, but the kits that are sold, don’t require you to do much to make a firearm. This is like saying a Blue Apron food kit sold to your house is not food, because it is not a finished meal. The actions of a non-specialist can transform the kit into a meal, or here a gun, and to use federal definitions to argue otherwise is illogical, dangerous and disingenuous. The 80% receiver is a misnomer as well, because while the final 20% of work is minimal, the 80% that is sold encompasses not only the raw material, but a prepared material ready to eat to revisit our prior analogy. This isn’t even Blue Apron, this is a TV microwavable dinner, and yes, it looks, sounds like, and even tastes like a meal. Just like an unfinished frame or receiver looks, sounds like, and even kills like a gun, in the time it takes to prepare dinner.

There are provisions for undetectable firearms as well in this legislation, but those provisions are secondary to the importance of the common sense requirement of a background check for purchases of all “firearm varieties” and the serialization. There is federal law in this space, but the language we provide is better and something local prosecutors could use in Maryland.

There are at least two clarifying amendments the supporters of this bill are willing to accept. Those include removing reference to the penalty structure and allowing for common sense prosecutorial discretion, and adding the serialized numbers explicitly on the registration requirement. With these clarification and perhaps a few others, we believe this bill is not only ripe for action, but the language is nuanced for a variety of real life scenarios. The status quo is not an option, the background check loophole for ghost guns must be filled immediately.

For these reasons, I respectfully request a favorable report on SB 624, as amended.

CIF Ghost Gun Testimony SB 624 for filing 2 15 21.

Uploaded by: Lieberman, Jim

Position: FWA



**TESTIMONY OF THE CRITICAL ISSUES FORUM: ADVOCACY
FOR SOCIAL JUSTICE OF MONTGOMERY COUNTY, MARYLAND
ON FEBRUARY 17, 2021
BEFORE THE SENATE JUDICIAL PROCEEDINGS COMMITTEE
IN SUPPORT OF SB 624--UNTRACEABLE AND UNDETECTABLE FIREARMS**

Honorable Chair William C. Smith, Vice-Chair Jeff Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

The Critical Issues Forum: Advocacy for Social Justice (CIF), provides this testimony in support of SB 624, relating to untraceable and undetectable firearms.

CIF is a coalition of three synagogues, Temple Beth Ami, Kol Shalom, and Adat Shalom, with over 1,750 households and three denominations of Judaism: Reform, Conservative, and Reconstructionist. CIF serves as a vehicle for our congregations to speak out on policy issues that relate to our shared values, including the Jewish traditions that emphasize the sanctity and primary value of human life.

Ghost guns - firearms made from kits without serial numbers or manufactured from undetectable materials - cause significant law enforcement problems. First, persons not otherwise legally allowed to obtain firearms can acquire ghost guns. Second, ghost guns used in crimes are untraceable. Third, lethal firearms that are "banned (or tightly controlled)" by state or federal law, such as AR-15 / AK-47 style semi-automatic rifles and 45 caliber semi-automatic pistols, may be made or purchased as ghost guns. For these reasons, ghost guns significantly contribute to gun violence, a widespread problem in Maryland and the country at large.

This is further evidenced by the statement made by the United States Attorney for Maryland, Robert K. Hur, when the musician Martrel Reeves pled guilty to possession of a ghost gun. Mr. Hur noted the serious law enforcement issue caused by ghost guns, stating: "So-called 'ghost guns' circumvent the laws designed to prevent felons from possessing firearms because they have no serial numbers and do not require background checks."¹

This is a real and growing problem. The Baltimore Sun reported that "more than 12,000 ghost gun kits [were] shipped to Maryland during 2016 through 2019 with cumulative sales over \$1,000,000.00."² It further reported that "Fox45 News found suppliers of ghost gun kits to Maryland have seen sales nearly quadruple."³ And, that last year (2019) , the "ATF saw the

¹ <https://foxbaltimore.com/features/operation-crime-justice/atf-finding-more-untraceable-guns-ghost-guns-in-baltimore>

² Supra, note 1

³ *Id.*

recovery of 117 ghost guns in Maryland.”⁴ Significantly, “[b]y March of 2020, more than half that number had already been recovered.”⁵ During 2020 the Montgomery County Police recovered at least 40 ghost guns.⁶ It is also an issue in the District of Columbia. There the police found three ghost guns in 2017, 116 in 2019, and 282 by mid-December of 2020.⁷

Specific cases behind these statistics are chilling. In 2018, a student at Clarksburg High School was arrested for bringing a home-built gun to his school. In the student’s home, the police found an AR-15 rifle in mid assembly.⁸ In 2019, a Montgomery County man was arrested for selling ghost guns. Prosecutors said he had sold the guns to drug dealers, heroin users, robbers, and gang members.⁹ In 2016, the Baltimore police responded to an incident involving a man armed with a ghost gun that was an AR-15 style rifle loaded with armor piercing bullets. He was a violent repeat offender.¹⁰

Maryland Attorney General Brian Frosh, in a press release announcing that Maryland had joined 19 other states supporting a lawsuit challenging the federal government’s failure to regulate ghost guns, stated: “ghost guns endanger residents of [Maryland] and impede law enforcement’s ability to investigate and prosecute criminal activity.”¹¹ The amicus brief asserted that “these weapons have spread increasingly across the country and are now a consistent and pervasive component of crime in our communities.”¹²

SB 624 is designed to address the harmful consequences of untraceable and undetectable ghost guns while recognizing there are those who wish to lawfully manufacture firearms as a hobby. Specifically, the bill does not ban the practice of selling partially completed firearm receivers and frames, the critical parts of a gun, or impose a new regulatory scheme for state created serial numbers. Instead, like the federal law imposing serial number requirements, SB 624 places the responsibility of serialization on the manufacturer or seller of the unfinished receiver or frame.

Hobbyists purchasing a serialized unfinished receiver or frame will simply need to demonstrate that they have obtained a Handgun Qualification License, thus demonstrating that they are legally authorized to possess the receiver or frame. Consequently, it treats hobbyists similarly to others in Maryland who lawfully obtain completed receivers and frames. Those who currently own unserialized firearms will be able to inscribe a serial number on their weapon and retain it. SB 624 addresses these urgent issues in multiple ways, including:

1. Requiring that any firearm or unfinished frame or receiver be marked with unique identifying information by the importer or manufacturer;
2. Prohibiting possession of a firearm or unfinished frame or receiver that does not contain the identifying information;
3. Keeping records of the sales and transfers of firearms or unfinished receivers and frames to allow for tracing of firearms;

⁴ *Id.*

⁵ *Id.*

⁶ https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=2695_1_13180_Bill_4-2021_Introduction_20210119.pdf (January 14, 2021) -Legislative Memorandum on County Bill 4-21:

⁷ Mayor Bowser to Chairman Mendelson, DC Council, letter dated February 28, 2020

⁸ <https://wjla.com/features/7-on-your-side/ghost-guns> (May 21, 2018)

⁹ <https://wtop.com/montgomery-county/2019/12/long-prison-term-for-maryland-man-who-sold-untraceable-guns-to-criminals/>

¹⁰ <https://www.wbalv.com/article/concern-grows-over-untraceable-ghost-guns-readily-available-online/8729989#>

¹¹ AG press release

¹² AGs Amicus brief at 6

4. Providing a qualification and background checking process similar to handgun requirements to prevent persons prohibited by the State of Maryland from obtaining an unfinished receiver or frame or the firearm made from such products;
5. Establishing a legacy process for those who possess unserialized receivers, frames, and firearms prior to January 1, 2022;
6. Allowing for suspension of prosecution for a non-serious first violation; and
7. Prohibiting the manufacture, possession, sale, transfer, or purchase of a covert or undetectable firearm.

When SB 624 becomes the law in Maryland, we will join eight other jurisdictions that have enacted laws addressing ghost guns: California;¹³ Connecticut;¹⁴ Hawaii;¹⁵ New Jersey;¹⁶ Rhode Island;¹⁷ Washington;¹⁸ New York;⁵ and the District of Columbia.¹⁹

CIF supports SB 624 because it provides a common-sense solution to the ghost gun challenge which will undoubtedly save lives. Significantly, it achieves these goals without infringing on the rights of gun owners and hobbyists.

However, CIF believes that there is an inadvertent flaw in Section 5-704(C)(4) of the bill, which provides for recordkeeping, as follows:

A federally licensed firearms dealer, federally licensed firearms manufacturer, and federally licensed firearms importer shall maintain a record log of any sale or transfer of a firearm or an unfinished frame or receiver **as required by federal law and regulation.** . .

While this language is apparently intended to import the specific standards for record keeping that exist under federal law, under existing federal law and regulation, as interpreted by the federal government, **there are no federal record-keeping requirements for unfinished frames and receivers.** Consequently, companies who make unfinished receivers and frames would be able to continue to exploit the same loopholes their industry relies on to evade Maryland's record keeping requirement and resulting firearms will remain untraceable.

CIF suggests Section 5-704(C)(4) be deleted and replaced by the following:

A person who sells or transfers a firearm or an unfinished frame or receiver that has been marked in accordance with Subsections (A) and (B) of this Section shall keep records of such transfer or sale, including the serial number of the product, the name and address of the person receiving the product, the date of the transfer or sale, and the handgun qualification license number of the person receiving the product, and shall make such records available to law enforcement upon request.

With this amendment, companies who make unfinished receivers and frames will be required to keep sales/transfer records and law enforcement will be able to trace firearms completed from

¹³ Cal. Penal Code. § 29180 (2016)

¹⁴ Conn. Pub. Act No. 19-6 (2019)

¹⁵ Hawaii H.B. 2744.(2019)

¹⁶ N.J. Stat. Ann. § 2C:39-9 (2019)

¹⁷ RI HB 7102 and RI SB 2004(2020)

¹⁸ <http://leg.wa.gov/Senate/Committees/LAW/Documents/2019%20Washington%20Firearms%20Final.pdf>

¹⁹ N.Y. Penal Law § 265.50(A)

unfinished frames and receivers.

CIF urges this committee to produce a favorable report on SB 624 with the above amendment to ensure that firearms are traceable and detectable, thereby assisting law enforcement in fighting and preventing crime and ensuring the safety and security of all of us.

MD SB 0624 Ghost Guns Testimony.pdf

Uploaded by: Schardt , Tanya

Position: FWA

Brady
840 First St. NE Ste. 400
Washington, DC 20002



Testimony of Tanya Schardt, Legal Counsel and Director, State and Federal Policy
Support for SB 0624
Before the Maryland Senate Judicial Proceedings Committee
February 17, 2021

Chairman Smith, Vice Chair Waldstreicher, and Other Distinguished Members of the Maryland Senate Judicial Proceedings Committee,

Founded in 1974, Brady works across Congress, courts, and communities, uniting gun owners and non-gun owners alike, to take action, not sides, and end America's gun violence epidemic. Our organization today carries the name of Jim Brady, who was shot and severely injured in the assassination attempt on President Ronald Reagan. Jim and his wife, Sarah, led the fight to pass federal legislation requiring background checks for gun sales. Brady continues to uphold Jim and Sarah's legacy by uniting Americans from coast to coast, red and blue, young and old, liberal and conservative, to combat the epidemic of gun violence.

Brady thanks the Committee for taking action on this critical legislation. SB 0624 provides a strong defense to the proliferation and tragic impact of untraceable firearms throughout the state of Maryland.

This law is amongst the evidence-based policy solutions that we know will help address the gun violence epidemic in Maryland. And make no mistake, gun violence is an epidemic, both nationwide and in the state of Maryland. About 725 people die in Maryland each year, on average, due to firearm injuries.¹ Unlike most states, however, the majority of these deaths are due to homicide, which takes the lives of about 450 Marylanders per year.² Much of this high

¹ Five year average (2015-2019) of fatal firearm injury statistics from the Centers for Disease Control and Prevention. Web-based Injury Statistics Query and Reporting System (WISQARS). <https://webappa.cdc.gov/sasweb/ncipc/mortrate.html>. Accessed: February 14, 2021.

² Id.

homicide rate is driven by the disproportionate number of injuries and deaths: 2019 was the second deadliest year on record for the city of Baltimore, with nearly 350 homicides in a single year.³ In 2020, the city's homicide count reached 335.⁴ Firearms are the leading cause of death among both kids and teens in the state of Maryland.⁵ In Maryland, the lifetime risk of firearm death is 0.88%, meaning that 1 out of every 113 Marylanders is expected to die from firearm injuries if current death rates persist.⁶ We can expect all of these numbers to increase with unregulated access to unserialized firearms.

"Ghost Guns" are unserialized and untraceable firearms that can be built by anyone using parts that are currently completely unregulated under federal and Maryland law. Typically, ghost guns are constructed from gun components including unfinished receivers or "80 percent receivers," which are often sold by online dealers as a part of a kit that includes all of the necessary component parts to turn the unfinished receiver into a fully functioning gun.⁷ Receivers are the part of the firearm that contains the operating parts of the firing mechanism. Ghost guns, whether handguns or assault weapons, have no serial numbers and are essentially untraceable by law enforcement, making these firearms uniquely dangerous. Each of these parts and processes have all been specifically designed to fall outside of federal, state, and local gun regulations and undermine existing gun safety laws. These weapons are, by design, perfect crime guns.⁸

Because Maryland has continued to prioritize public health and safety by enacting life saving gun safety laws that regulate traditional firearms, ghost guns are, and will continue to become more and more prevalent. It is critical to act proactively to stymie their proliferation, which has continued to dramatically increase over the last few years. Maryland is not the first state to understand the dangerous nature of ghost guns: New York, New Jersey, Connecticut, California, and Washington D.C. have all taken action to regulate or ban ghost guns, and several other states are considering similar legislation. **For these reasons, Brady strongly urges the Senate Judicial Proceedings Committee to pass SB 0624 with amendments.**

³ Travis Fedischun, "Baltimore Sees Second Deadliest Year On Record in 2019, Homicide Clearance Rate Under 40 Percent," Fox News, available at <https://www.foxnews.com/us/baltimore-homicide-rate-2019-crime-deadly-year-police-clearance>.

⁴ "Baltimore Had 335 Homicides in 2020," U.S. News & World Report, January 1, 2021. <https://www.usnews.com/news/best-states/maryland/articles/2021-01-01/baltimore-had-335-homicides-in-2020>.

⁵ Everytown for Gun Safety, "Gun Violence in Maryland," <https://everytownresearch.org/wp-content/uploads/2019/10/Every-State-Fact-Sheet-Maryland.pdf>.

⁶ Sehgal, Ashwini R. "Lifetime Risk of Death From Firearm Injuries, Drug Overdoses, and Motor Vehicle Accidents in the United States." *The American Journal of Medicine* 133, no. 10 (2020): 1162-167. Accessed December 10, 2020. <https://doi.org/10.1016/j.amjmed.2020.03.047>.

⁷ Elizabeth Van Brocklin, "Ghost Gun" Murders and Trafficking Cases Are a Law Enforcement Nightmare Come True, The Trace, (October 16, 2015), <https://www.thetrace.org/2015/10/ghost-gun-lower-receiver-california/>

⁸ Giffords Law Center Asks Internet Service Providers to Immediately Shut Down Websites for Businesses that Allow Dangerous Individuals to Make Untraceable Assault Weapons with No Background Checks, Giffords Law Center to Prevent Gun Violence, (November 28, 2017).

Brady Supports SB 0624 with Amendments

The bill before you today, SB 0624, is a strong defense to the proliferation of ghost guns and Brady supports this legislation with one necessary amendment. As written, SB 0624 does not explicitly mandate that gun dealers keep detailed records of their sales of unfinished frames or receivers. Section 5-704(c)(4) of the current legislative language specifies only that the records be kept “as required by federal law and regulation.” However, based on current interpretations of what is regulated as a firearm under federal law, there are no record-keeping requirements for unfinished frames and receivers. Therefore, as drafted, sellers would not be required to maintain any records of their sales of unfinished frames or receivers and the guns would remain untraceable by law enforcement.

Accordingly Section 5704(c)(4) should be amended to read as follows:

“A PERSON WHO SELLS OR TRANSFERS A FIREARM OR AN UNFINISHED FRAME OR RECEIVER THAT HAS BEEN MARKED IN ACCORDANCE WITH SUBSECTIONS (A) AND (B) OF THIS SECTION SHALL KEEP RECORDS OF SUCH TRANSFER OR SALE, INCLUDING THE SERIAL NUMBER OF THE PRODUCT, THE NAME AND ADDRESS OF THE PERSON RECEIVING THE PRODUCT, THE DATE OF THE TRANSFER OR SALE, AND THE HANDGUN QUALIFICATION LICENSE NUMBER OF THE PERSON RECEIVING THE PRODUCT, AND SHALL MAKE SUCH RECORDS AVAILABLE TO LAW ENFORCEMENT UPON REQUEST.”

With this addition, this legislation will be a comprehensive defense to the proliferation of unregulated and unserialized firearms necessary to protect all Marylanders. We must ensure that individuals who cannot, and should not, be in possession of firearms (like domestic abusers, gun traffickers, and convicted felons) cannot continue to access ghost guns. Ghost guns circumvent both federal and state law and their danger cannot be understated. The Maryland legislature must take swift action to halt their proliferation and use.

Ghost Guns Undermine Existing Gun Safety Laws and Are Designed for Crime

Ghost guns are untraceable firearms constructed by individuals using “unfinished” frames or receivers, pieces of a firearm which, because they contain essential operating parts of the firing mechanism, are the only part of a gun regulated under federal law. However, when a frame or receiver is “unfinished” by a small fraction, it is unregulated — a consequence of ATF not interpreting unfinished components as firearms.⁹ Ghost gun kits include all of the necessary

⁹ U.S. DEP’T OF JUST., BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES, *Are “80%” or “Unfinished” Receivers Illegal?*, available at <https://www.atf.gov/firearms/qa/are-unfinished-receivers-illegal> (last visited May 29, 2020).

instructions and hardware to turn the unfinished frame or receiver into a fully functioning gun. These parts and kits are designed and marketed to circumvent federal regulations like Brady background checks because they can be purchased by anyone, even someone who, because they cannot pass such a check, would be prohibited from purchasing a fully assembled gun. This includes prohibited purchasers, domestic abusers, gun traffickers, persons subject to an extreme risk order, and even children and teenagers. Once a ghost gun is assembled, it looks, feels, and functions like a traditional gun, and is just as dangerous in the hands of someone who cannot responsibly possess it.

The process of converting parts into a ghost gun, whether it be a semi-automatic handgun or an AR-15 style assault rifle, involves just a few steps and can be completed in as little as 15 minutes without the consumer possessing any specialized skill or abilities. Once assembled, ghost guns are just as deadly and dangerous as traditional firearms and anyone can buy these kits without any background check or any other requirement mandated under federal or Maryland state law.

Additionally, these weapons undermine and interfere with criminal investigations. Ghost gun dealers and manufacturers purposefully choose not to stamp serial numbers on these parts or other parts included in their firearms assembly kits. Thus, they are essentially invisible to law enforcement. This means that the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) cannot trace ghost guns from the manufacturer/importer to the retail purchaser, making it harder to identify the chain of possession and ultimate user of a gun recovered from a crime scene. In fact, if found at a crime scene, law enforcement has little means by which to trace the weapons' origin or ownership. This untraceable quality also interferes with law enforcement's ability to identify potential traffickers and to detect in-state and interstate patterns in the sources of crime guns. This makes the parts/kits used to assemble these weapons highly attractive to criminals and illegal gun traffickers.

The fact that these kits and parts can be purchased online with no background check, without having any human interaction (like with a federally licensed firearm dealer) also makes them attractive and accessible to individuals who fear they may not be able to pass muster at a responsible licensed dealer. This blatantly undermines both Maryland and federal law.

Ghost gun sellers and manufacturers know all of this and intentionally target prohibited purchasers, and other dangerous parties, by purposefully emphasizing the untraceable nature of ghost guns, namely, the absence of a serial number and the fact that their products can be purchased without a background check or interaction with a gun dealer as major selling points.

The Rapid Proliferation of Ghost Guns in the United States and in Maryland

Sales of the kits and parts to make ghost guns have increased significantly in recent years; not surprisingly, the use of ghost guns in crime has increased exponentially. These weapons have been linked nationwide to homicides, suicides, mass shootings, robberies, the shooting deaths of law enforcement officers, and acts of domestic violence. Ghost guns are also playing a role in the disproportionate impact of gun violence in communities of color as they flow into the illegal market. For example, in 2017, law enforcement in the District of Columbia recovered three; in 2018, three became 25; and, in 2019, ghost gun proliferation jumped to 116, at least three of which were subsequently connected to homicides.¹⁰ As of December 17, 2020, police had recovered 282 ghost guns in the city.¹¹

In the midst of a global pandemic, 62 ghost guns were recovered by Maryland police in the first three months of 2020 alone, compared to 117 in all of 2019.¹² About a quarter of the ghost guns recovered in Maryland in 2019 were recovered in the city of Baltimore, and as of December 1, 2020, Baltimore police have recovered over three times the number of ghost guns during all of 2019.¹³ On top of that, between 2016-2019, more than 12,000 ghost gun kits were shipped to Maryland, with sales increasing by almost a factor of four during this time period.¹⁴ Evidence suggests that these sales have only increased further in 2020, as gun sales have skyrocketed during the pandemic. In particular, ghost gun kits have recently been in extraordinarily high demand, with some of the most popular sites posting notice that these kits are backordered for as long as two months.¹⁵

The reality is that ghost guns have already started popping up in the hands of dangerous or prohibited purchasers in Maryland.¹⁶ In February of 2018, a Montgomery County high schooler brought a homemade handgun to his school. The 17-year-old was also in the middle of making an assault style rifle at home.¹⁷ Between September and November 2018, a Baltimore man who had previously been convicted for being a felon in possession of a firearm committed 10 armed

¹⁰ Press Release, Bowser Announces Emergency Ghost Gun Legislation, (Feb. 28, 2020) (on file with author).

¹¹ Jackman, Tom. "Attorneys General in D.C., Md. and Va. Support Lawsuit Demanding ATF Regulate 'Ghost Guns'," December 24, 2020. <https://www.washingtonpost.com/dc-md-va/2020/12/24/ghost-guns-litigation/>.

¹² Lepola, Joy. "ATF Finding More Untraceable Guns 'Ghost Guns' in Baltimore." WBFF. WBFF, November 28, 2020.

<https://foxbaltimore.com/features/operation-crime-justice/atf-finding-more-untraceable-guns-ghost-guns-in-baltimore>.

¹³ Lepola, Joy. "Number of Ghost Guns Recovered in Baltimore More than Triples." WBFF. WBFF, December 4, 2020.

<https://foxbaltimore.com/features/operation-crime-justice/number-of-ghost-guns-recovered-in-baltimore-more-than-triples>.

¹⁴ Lepola, Joy. "ATF Finding More Untraceable Guns 'Ghost Guns' in Baltimore." WBFF. WBFF, November 28, 2020.

<https://foxbaltimore.com/features/operation-crime-justice/atf-finding-more-untraceable-guns-ghost-guns-in-baltimore>.

¹⁵ Fletcher, Lisa. "As Demand for DIY, Serial Number-Less 'Ghost Guns' Rises, so Does Demand for Tougher Laws." WJLA.

WJLA, July 24, 2020. <https://wjla.com/features/7-on-your-side/washington-dc-ghost-guns-tougher-laws>.

¹⁶ Ibid.

¹⁷ Baca, "Ghost Guns: Untraceable firearms in hands of hobbyists, felons, and children," ABC7 (2018), <https://wjla.com/features/7-on-your-side/ghost-guns>

robberies at five separate banks in Baltimore, White Marsh, Bel Air, and Arbutus.¹⁸ He also committed robberies at liquor stores in Dundalk, Middle River, and Baltimore.¹⁹ The gun discharged by the man in two of these robberies was an untraceable ghost gun.²⁰ In August of 2019, a man was arrested for possessing a loaded ghost gun. The man was already on probation for a prior handgun violation in Baltimore.²¹ In December of 2019, a man living in Silver Spring pled guilty for selling ghost guns to prohibited purchasers.²² The FBI arrested three men in Maryland on January 16, 2020 for planning to incite racial violence using homemade guns. The men had made an assault style ghost gun which they planned to use at the January 20, 2020 gun rights rally in Richmond and specifically discussed using the guns to kill police officers and to encourage a “race war.”²³

California may serve as a cautionary tale to Maryland lawmakers - it is another state with effective gun safety legislation, yet proliferation of ghost guns in that state has been especially egregious. Ghost guns have been used in three mass shootings that received national media attention: in Saugus (2019), Tehama County (2017), and Santa Monica (2013). These shootings combined resulted in 12 deaths, with dozens more injured, and were all perpetrated by individuals prohibited from legally purchasing or possessing firearms.²⁴ Ghost guns have also been used in multiple shootings of law enforcement officers across the state: In August 2019, a convicted felon with an extensive criminal background killed one officer and wounded two others with a ghost gun in Riverside, California.²⁵ In May 2020, a man used a ghost gun to shoot two security officers who were guarding a federal building in downtown Oakland, killing one of them.²⁶ A week later, the Oakland shooter used the same unserialized assault rifle to shoot at law enforcement officers outside his home, killing one Santa Cruz deputy and injuring two others.²⁷

¹⁸ Montcalmo, Chris. “Man Who Robbed White Marsh Bank, Middle River Liquor Store Sentenced to 21 Years in Prison.” Nottingham MD, November 12, 2020. <http://www.nottinghammd.com/2020/11/12/man-who-robbed-white-marsh-bank-middle-river-liquor-store-sentenced-to-21-years-in-prison/>.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Butler, “Edgewood man sleeping on Bel Air sidewalk had ‘ghost gun,’ Baltimore Sun (2019), <https://www.baltimoresun.com/maryland/harford/aegis/cng-ag-belair-gun-arrest-0816-20190816-kqoovj7jhzbxbful3qriywrme-story.html>

²² Cooper, “Long prison term for Maryland man who sold untraceable guns to criminals,” WTOP news (2019), <https://wtop.com/montgomery-county/2019/12/long-prison-term-for-maryland-man-who-sold-untraceable-guns-to-criminals/>

²³ Stephens, “They Planned to Start a Race War. DIY Gun Kits Allowed Them to Build an Arsenal,” The Trace (2020), <https://www.thetrace.org/2020/01/white-supremacists-the-base-fbi-virginia-diy-ghost-gun/>

²⁴ See Alain Stephens, Officials Confirm Santa Clarita Shooter Used A Ghost Gun, LAIST.com, (Nov. 20, 2019), available at https://laist.com/2019/11/20/feds_investigating_whether_saugus_santa_clarita_shooter_used_ghost_gun.php; Joseph Serna, Woman Attacked Months Ago by Rancho Tehama Gunman 'Knew This Was Going to End Bad', L.A. Times (Nov. 30, 2017), available at <http://www.latimes.com/local/lanow/la-me-ln-tehama-shooting-neighbor-20171130-story.html>.

²⁵ Winton, Richard. “Rifle Used in Deadly Riverside Shooting Was Untraceable 'Ghost Gun,' Sources Say,” August 14, 2019. <https://www.latimes.com/california/story/2019-08-14/rifle-used-in-deadly-riverside-shooting-was-untraceable-ghost-gun-sources-say>.

²⁶ Winton, Richard, Maura Dolan, and Anita Chabria. “Far-Right 'Boogaloo Boys' Linked to Killing of California Law Officers and Other Violence.” Los Angeles Times. Los Angeles Times, June 17, 2020. <https://www.latimes.com/california/story/2020-06-17/far-right-boogaloo-boys-linked-to-killing-of-california-lawmen-other-violence>.

²⁷ Gartrell, Nate, and Fiona Kelliher. “Authorities Charge Alleged Santa Cruz Deputy Killer with Assassinating Federal Cop in Oakland, Link Attacks to Boogaloo Movement.” The Mercury News. The Mercury News, August 28, 2020.

In September 2020, a man walked up to a police car outside a Metro station and shot two Los Angeles County deputies with an untraceable ghost gun.²⁸ Because California has not taken immediate action to regulate ghost guns prior to the sale of unfinished receivers, the use of ghost guns in crime has simply exploded in recent years. Carlos A. Canino, the Special Agent in charge of ATF's Los Angeles Field Division, explained in early 2020 that “forty-one percent, so almost half our cases we’re coming across, are these ghost guns.”²⁹

Both California and Maryland have enacted strong gun safety laws, and both are facing an outsized proliferation of ghost guns on their streets. Maryland legislators must act now to proactively prevent the further proliferation of ghost guns in their state.

3-D printing will increase access to untraceable guns

Recent technology has opened the door to a new type of dangerous unregulated ghost gun-- firearms and high-capacity magazines made with three-dimensional printers (“3-D printers”). In 2012, a company called Defense Distributed began exporting technical data related to firearms through the publication of Computer Aided Design (“CAD”) files, without restriction, on the Internet. These CAD files are essentially blueprints for the creation of guns and gun components via a 3-D printer.

Similar to traditional ghost guns, 3-D printed guns are manufactured without serial numbers and cannot be traced by law enforcement, and therefore undermine criminal investigations and circumvent federal law and Maryland law. Also, 3-D printed ghost guns can be made entirely of plastics, rendering most modern security devices like metal detectors ineffective in detecting the presence of the weapon.

This means that anyone, even those who have been deemed unfit to possess a firearm, could be armed anywhere and at any time. For example, a person prohibited from purchasing a firearm could manufacture a firearm on a 3-D printer, and then could evade metal detectors at an airport or in a courthouse without any problem. The risks of this are incalculable.

Conclusion

These unregulated and untraceable weapons are both being made and transported into Maryland, into the criminal market, and into the hands of those prohibited from owning firearms. It is

<https://www.mercurynews.com/2020/06/16/santa-cruz-deputys-alleged-killer-charged-with-assassinating-federal-cop-in-oakland-ambush/>.

²⁸ Chris Harris, “Suspect ID'd in Ambush Shooting of Los Angeles Deputies Who Were Sitting in Patrol Car.” PEOPLE.com, October 1, 2020. <https://people.com/crime/suspect-arrested-los-angeles-sheriff-deputies-shooting/>.

²⁹ Brandi Hitt, “Ghost Guns” Investigation: Law Enforcement Seeing Unserialized Firearms on Daily Basis in SoCal, ABC 7 (Jan. 30, 2020), available at <https://abc7.com/5893043/>

important to act proactively and aggressively to prevent the continued proliferation of these weapons.

For these reasons, Brady strongly urges the Maryland House Judiciary Committee to pass SB 0624, with an Amendment to Section 5-704(c)(4), such that it reads as follows:

“A PERSON WHO SELLS OR TRANSFERS A FIREARM OR AN UNFINISHED FRAME OR RECEIVER THAT HAS BEEN MARKED IN ACCORDANCE WITH SUBSECTIONS (A) AND (B) OF THIS SECTION SHALL KEEP RECORDS OF SUCH TRANSFER OR SALE, INCLUDING THE SERIAL NUMBER OF THE PRODUCT, THE NAME AND ADDRESS OF THE PERSON RECEIVING THE PRODUCT, THE DATE OF THE TRANSFER OR SALE, AND THE HANDGUN QUALIFICATION LICENSE NUMBER OF THE PERSON RECEIVING THE PRODUCT, AND SHALL MAKE SUCH RECORDS AVAILABLE TO LAW ENFORCEMENT UPON REQUEST.”

Thank you for your time and for taking action on this critical piece of legislation.

Adamson SB624_HB638 Testomony.pdf

Uploaded by: Adamson, Jeff

Position: UNF

Members of the Judicial Proceedings Committee,

My Testimony is in Opposition to SB624/HB638.

These bills are unnecessary and do nothing to create public safety. These bills are in some cases redundant to existing federal law, and attempt to make a non-firearm object into a regulated firearm. This will leave the judgement of what objects are firearms upto arbitrary interpretation. Further restricting the manufacture of these non firearms just targets people who are Law-Abiding hobbyists, not the criminals you're hoping to target. It's more expensive, time consuming and requires specialised tools to make your own firearms.

In the case of "undetectable firearms" these are already illegal to sell, import or manufacture. Making them more illegal by creating a state law in Maryland does nothing and is moreover a waste of public resources.

Non-Firearm objects are just that, anything. The argument could be made that any object with enough time, energy and money could be made into a firearm. Restricting the sale and possession of these objects is to be frank, just impossible.

Adding the engraving mandate of serial numbers, make, model and caliber is in some cases just impossible to do because of physical space restrictions on some firearms.

This bill seems to cause far more problems than it resolves, By overburdening Law-Abiding creators, Maryland State Police, and FFL holders. The latter two may also face some liability issues at the federal level for the type of background checks this law mandates.

I respectfully ask that this bill receive an unfavorable report.

-Jeffrey Adamson

2021 SB624 Testimony.pdf

Uploaded by: Brunger, Caroline

Position: UNF

Caroline Brunger
11281 Gunsmoke Ct.
Lusby, MD 20657

Re: SB0624, Testimony in Opposition

February 15, 2021

As a lifelong resident of Maryland, and a hobbyist firearm-maker, I am concerned about some of the knock-on effects of Senate Bill 624 in its current state. While I understand and generally support the aims of this bill - first, to enact additional penalties for prohibited persons who circumvent the law by illegally manufacturing firearms, and second, to preserve the right for law-abiding hobbyists - this bill still greatly restricts hobbyists' ability to continue their activities. While the most popular and most accessible method of home manufacture is by completing so-called 80% receivers, that is not the only method by which hobbyists create their own firearms. Many, out of a desire to better understand the gunsmithing process or a desire to truly "know" their firearm inside and out, or simply even the pride of being able to say they built their own firearm from scratch, prefer to start from nothing but a block of aluminum, a so-called "0% receiver." The requirement of unfinished receivers to be serialized by an FFL prior to sale beginning in 2022 would mean that the *only* way to legally manufacture a firearm at home for personal use would be by using a pre-made 80% receiver, greatly restricting the types of firearms they can build. While I appreciate the bill's consideration for home-manufactured firearms that have already been completed, I don't appreciate that I would be limited to only 80% receivers within a year. This bill would much better maintain the rights of individual hobbyists like myself if it maintained the standards of serialization and record-keeping that are permitted for pre-2022 manufacture for home-manufactured firearms post-2022.

My other major concern about this bill is that it attaches the outrageous barrier to entry of acquiring a Handgun Qualification License to home manufacture of firearms. I attempted to get my HQL in 2016 - I had completed the required training, I spent the \$60 to have my LiveScan fingerprints completed, but I experienced technical issues with completing the application on the Maryland State Police website. When I sent them an email to try to correct the issues, I was told that my fingerprints would not expire for the purposes of applying for an HQL. This turned out to be a lie, and by the time I had gotten my technical issues sorted out, I needed to spend another \$60 to get fingerprinted. As there are no accessible LiveScan fingerprinting locations near my home, I elected not to pursue the HQL and instead build a handgun for home defense. Given

the issues with the HQL requirement (see *Maryland Shall Issue v. Hogan*, MD District Court case #1:16-cv-03311), I have very serious concerns about eliminating Marylanders' ability to exercise their right to possess a handgun (secured by *DC v. Heller* in 2008) without overcoming this burden.

I understand the desire to ensure that a background check takes place for anyone who endeavors to build a firearm, however, this bill would have no teeth in making that happen. The Nation's Gun Show in Chantilly, VA, which takes place many times each year, includes vendors who sell 80% receivers; any Maryland resident wishing to circumvent the proposed law would be able to do so very easily by taking a short trip on any of half a dozen weekends throughout the year, and Maryland law enforcement would be none the wiser. I would not do so, as I wish to comply with the law, no matter how much I disagree with it. However, this means that a criminal now has another avenue to firearms ownership which I do not.

I appreciate the General Assembly's desire to protect Marylanders from lawbreakers. I do not support this bill in its current state; if it is to pass, I hope to see it amended to address these issues.

SB638 opposition.pdf

Uploaded by: Brunger, Robert

Position: UNF

Robert Brunger

February 15, 2021

Opposition to SB624

I am a small business owner, Curio and Relic Federal Firearm License holder, Maryland wear and carry permit holder, and gun-making hobbyist living in Calvert County Maryland.

I have been making firearms at home for personal use for the past 6 years. I also am the sole proprietor, in partnership with my wife, of a laser engraving business with a specialization in applying custom designs to unfinished receivers. This bill, if passed, would put me and my wife out of business by making unfinished receivers Regulated Firearms. Being a small, home-based business, I do not meet the zoning requirements required to obtain a manufacture Federal Firearms License (FFL type 07) or an importer Federal Firearms License (FFL type 08), specified in the bill as the only entities that can apply serial numbers post January 1, 2022. If I were somehow able to get a FFL type 07 or FFL type 08, I would need to purchase tens of thousands of dollars worth of equipment in order to meet the depth requirements of federal regulation 27 CFR § 479.102, which specifies the requirements of serial numbers; my current laser is specifically cosmetic in order to protect the existing finish. Should I not be able to afford the purchase tens of thousands of dollars of expense for new marking equipment before January 1 2022, I would need to liquidate, destroy, or pay to have every unfinished receiver engraved, at which point I would be unable to transfer it. It would cost me more than the stock itself to have it engraved. All of this is notwithstanding the engraving cost to legally maintain my personal homemade firearms. Should this bill pass, I would lose my business and thousands of dollars.

Beyond the direct impacts on myself and my business, making unfinished receivers Regulated Firearms would pose a significant expense and risk to the Maryland State Police. MD Code, Public Safety § 5-117 states:

[a] person must submit a firearm application in accordance with this subtitle before the person purchases, rents, or transfers a regulated firearm.

That application is called a 77R. The State Police use that application to conduct a background check on the sale of the regulated firearm using the Federal NICS database and various state databases. 28 C.F.R. 25.6 states:

(a) FFLs may initiate a NICS background check only in connection with a proposed firearm transfer as required by the Brady Act. FFLs are strictly prohibited from initiating a NICS background check for any other purpose.

It goes on to state:

(j) Access to the NICS Index for purposes unrelated to NICS background checks required by the Brady Act. Access to the NICS Index for purposes unrelated to NICS background checks pursuant to 18 U.S.C. 922(t) shall be limited to uses for the purposes of:

(1) Providing information to Federal, state, tribal, or local criminal justice agencies in connection with the issuance of a firearm-related or explosives-related permit or license, including permits or licenses to possess, acquire, or transfer a firearm, or to carry a concealed firearm, or to import, manufacture, deal in, or purchase explosives;

(2) Responding to an inquiry from the Bureau of Alcohol, Tobacco, Firearms, and Explosives in connection with a civil or criminal law enforcement activity relating to the Gun Control Act (18 U.S.C. Chapter 44) or the National Firearms Act (26 U.S.C. Chapter 53); or,

(3) Disposing of firearms in the possession of a Federal, state, tribal, or local criminal justice agency.

28 C.F.R. 25.6 is quite clear that the NICS database cannot be used for items that do not meet the federal definition of firearms.

Should the state police run a NICS check on an unfinished frame or receiver, they would be subject to 28 CFR § 25.11, which would result in a \$10,000 fine and, more importantly, loss of access to the NICS system. Simply put, unfinished frames or receivers cannot be treated as regulated firearms as the current regulated firearm system exists.

Because of the federal restrictions on the use of NICS for non-federally-defined firearms, Maryland state police would have to overhaul the 77r process to track whether the item in question is a federally defined firearm. Should the MSP accidentally run NICS check on an unfinished frame or receiver, they would lose all access to perform NICS checks for any reason, including all other regulated firearms.

The serialization requirement itself would be troublesome. Many homemade firearms do not have a location large enough to accommodate the information required by this bill. Some homemade firearms lack a suitable location altogether due to the materials of construction. For these items, this bill would be a de facto ban on possession. The change in who is authorized to apply a serial number post January 1, 2021 is needlessly burdensome; if a Marylander has the necessary equipment and experience to apply a serial number as specified, why should they be prohibited from doing so solely because they do not have a Federal Firearm License?

There is an inherent irony that one is prohibited from legally exercising a constitutionally-protected right unless they patronize a private third party - a third party who can deny service for any reason under their first amendment right. It would be no

different from requiring that all first amendment activity go through registered journalists. One should be able to exercise their constitutionally-guaranteed rights in a vacuum if they have the capability to do so, and not be explicitly reliant on third parties.

This bill would only limit law-abiding Marylanders; anyone seeking to subvert this law would only have to drive across the border to a neighboring state to purchase an unfinished receiver, or have a firearm sent to a PO Box in PA or VA or WV or DE and Maryland would have no mechanism of enforcement unless a crime was committed with it. A criminal is not going to apply his name to a gun he made illegally for the sake of aiding law enforcement in putting him behind bars. The only case where this law would be relevant is if a homemade firearm was stolen, a crime which is not a felony or prohibiting offense, in which case the law-abiding owner is a victim. The number of cases where the name on the firearm is that of the person who has broken a law will be negligible. There are much easier avenues to address criminal misuse of firearms than adding marking requirements, such as the enforcement of the prohibited persons in possession of firearms, which comes with a 5-year mandatory minimum sentence. (MD Public Safety Title 5 – Firearms Subtitle 1 - Regulated Firearms § 5-133).

DC-W_SB624_UNF.pdf

Uploaded by: Carlin-Weber, Daniel

Position: UNF

Daniel J. Carlin-Weber
SB624 – UNF
Judicial Proceedings Committee
2/17/2021

I am a firearms instructor and advocate of responsible firearms handling and ownership. Currently, I am certified by the Maryland State Police as a Qualified Handgun Instructor and regularly teach the course necessary to receive the Handgun Qualification License (HQL). I'm also a Utah Concealed Firearm Permit Instructor, and NRA Range Safety Officer and Basic Pistol Instructor. Since 2016, I have instructed Marylanders from all walks of life on how to safely operate firearms and the responsibilities that come with their usage. I come before you today to urge an unfavorable report of Senate Bill 624.

SB624/HB638 are the first bills brought before the General Assembly that do not immediately threaten current owners of homemade guns with jail for possessing items Marylanders have always been able to make and keep. Rather, SB624/HB638 allows current owners to keep their privately made arms so long as they follow a number of requirements by January 1st, 2022. Any private gun making after that date could be penalized without first going through a Federally Licensed dealer as a civil violation for a first offense and “unfinished firearms receivers” cannot be brought into the state short of them being serialized and handled as if they were “Regulated Firearms” under Maryland law. So-called “ghost guns” and the parts for them could not be lawfully created or possessed after this date.

While it's important that this bill does attempt to create a legal pathway for current owners of homemade guns to keep them, those owners still face a complicated series of regulations that will be difficult and cost-prohibitive to follow for most people. Violations are costly whether the

violation was intended or not and the laws ripe for selective, discriminatory, and abusive enforcement. The bills also unnecessarily target “undetectable firearms” and would criminalize the current possession “covert firearms,” of which are legal items currently possessed within the state, and highly regulated under the National Firearms Act (NFA) as “Any Other Weapons” (AOW). SB624/HB638 should be withdrawn or at minimum be made more accommodating so the typical Marylander can comply without facing financial or legal ruin.

Making one’s own gun has always been legal in the United States and indeed, Maryland. An owner must not be legally prohibited from firearms possession and the gun itself must be in compliance with federal, state, and local laws. The manner of production has not mattered, whether it be via welding metal parts together, removing metal from an unfinished receiver (i.e., common 80% receivers), or by any number of possible methods. As a result, there are an untold number of homemade firearms in Maryland. There lacks an all-seeing authority with the ability to peer into every person’s basement, garage, or kitchen. Therefore, these items are not accounted for in any database, nor have they ever been required to be reported to an agency within the state merely because they were created. Serialization of these firearms has also never been required.

Though the bill does allow Marylanders to keep guns they may have made, they must engrave them in a very specific manner. While some homemade gun owners do voluntarily serialize or otherwise mark their own guns with something identifiable in the event of loss or theft, any of these marks are inadequate unless they comply with the very strict and lengthy requirements put forth in the bill. A unique serial number, the gun’s caliber, a model, the country of origin, and the owner’s full name and city must be engraved into the receiver or frame in-line with federal regulations. See *Firearms - Guides - Importation & Verification of Firearms, Ammunition - Firearms Verification*

Overview, Bureau of Alcohol, Tobacco, Firearms, and Explosives, <https://www.atf.gov/firearms/firearms-guides-importation-verification-firearms-ammunition-firearms-verification-overview>. Complying with these requirements is in many cases much more difficult than making the gun itself. This sort of work usually requires CNC (computer numerical control) machines capable of spinning a purpose-made bit accurately enough to meet the requirements of § 5-703(a)(1). Unless the owner has this hardware on their own, they'll need to seek the services of a gunsmith. Not all gunsmiths offer engraving services and those that do are free to charge whatever price they set. Every personally made firearm made by a citizen would need to be engraved in this manner at their expense and with prices being variable and gunsmith availability not guaranteed, these mandates will prove burdensome. It's also worth noting that the proposed requirements require at least **63 years-worth** of guns be serialized and engraved in only a handful of months. This is a very short window of time and it is doubtful the network of capable gunsmiths in the state would be able to meet demand, especially when considering that they have had their hands very full with regular gun sales and demand is not relenting in 2021. See *Issue Papers 2021 Legislative Session*, Maryland Department of Legislative Services, <http://dls.maryland.gov/pubs/prod/RecurRpt/Issue-Papers-2021-Legislative-Session.pdf> (p. 249). Also see *Gun Sales Rise During Civil Unrest, Pandemic*, News4 Washington, January 15, 2021, <https://www.msn.com/en-us/news/us/gun-sales-rise-during-civil-unrest-pandemic/ar-BB1cLQNb>.

Not only does SB624/HB638 require that finished privately made firearms be marked, but it would also be necessary to mark any unfinished or uncompleted frames or receivers in the same manner. These are merely just parts in such a form and carry little legal significance for someone who is not legally barred from possessing firearms. They are readily available from any number of

sources, including from every surrounding state and from numerous websites. It does not take much imagination to see how easily a bad actor working within a police department could easily obtain these devices and perhaps plant them on someone they wish to make a suspect. As chronicled in *I Got a Monster: The Rise and Fall of America's Most Corrupt Police Squad* by Brandon Soderberg and Baynard Woods, Baltimore's Gun Trace Task Force (GTTF) planted firearms and even BB guns on supposed suspects under false pretenses to initiate an arrest or justify violence against those in communities already reeling from decades police misconduct. In the time preceding the GTTF's unravelling, they were *praised* for getting "illegal" guns off of the street despite the crimes they were committing in order to do so. SB624/HB638 and any similar laws that attack possession of items only provides more avenues ripe for exploitation by similar actors.

There are other problems with SB624/HB638. Under proposed § 5-702(1), any firearms made prior to 1968 are exempted from the new requirements, presumably because commercial firearms manufacturers were not mandated by federal law to issue serial numbers for guns until the enactment of the Gun Control Act (GCA) in 1968. However, the language in the SB624/HB638 does not reflect that the GCA was enacted on October 22nd, 1968. See *Gun Control Act of 1968*, <https://www.govinfo.gov/content/pkg/STATUTE-82/pdf/STATUTE-82-Pg1213-2.pdf>. It is unclear how an investigator, or even the possessor of the gun itself is supposed to know the difference between a homemade gun made in 1966 and one in 1972, let alone one made in September of 1968 and November 1968. The legislation should reflect the proper date of enactment, not merely the year it went into effect. Going further, § 5-706(A)(2) describes items that are currently strictly regulated by the National Firearms Act of 1934 (NFA) (<https://govtrackus.s3.amazonaws.com/legislink/pdf/stat/48/STATUTE-48-Pg1236.pdf>) as "Any Other Weapons" (AOW). Essentially, if a firearm is disguised as something one wouldn't

recognize as a firearm, it's an AOW. § 5-706(B)(2) bans the possession of these items despite that they are legal to possess under federal law so long as the requirements of the NFA are followed. Current owners would be dispossessed of an AOW they legally own without just compensation should this language become law. Public safety is not advanced by criminalizing these extremely law-abiding individuals.

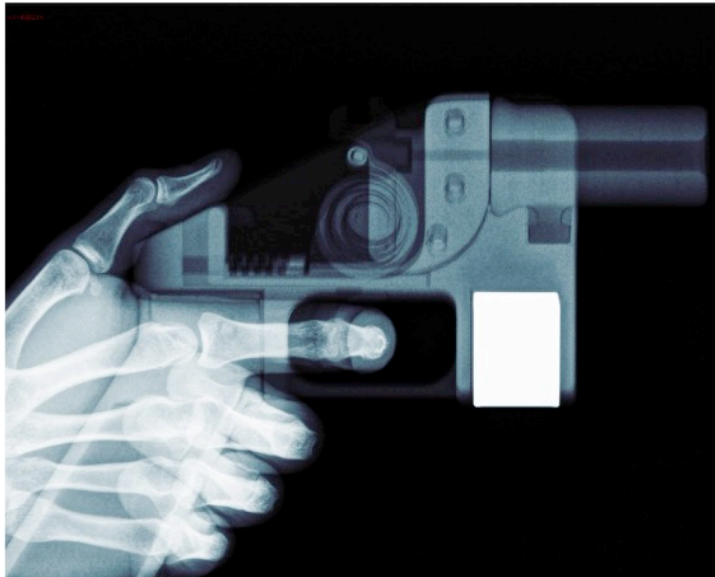


Fig. 1- Liberator pistol as viewed by an x-ray. Does this look undetectable to you?

The legislation also seeks to ban the possession of “undetectable” firearms, but this too does not advance public safety as these items do not pose a threat to defeating devices designed to catch contraband like firearms. 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 33 years, at least 3.7 ounces of steel must be present in a 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 (fig. 1) has a space in its design to accommodate a 6 oz block of steel and the instructions explicitly warn the maker to insert it before completion so as to not break federal law. Even without the steel block, an x-ray or metal detector would still detect the firing pin (a common nail in the Liberator’s case), any ammunition, and the shape of the design itself.

§ 5-117.1 would be updated by this legislation to require that anyone purchasing an “unfinished frame or receiver” after January 1st, 2022 also possess a valid Handgun Qualification License (HQL). Currently, the HQL is only needed for acquiring a **handgun**. Though handguns are “regulated firearms” under current law, there are other items considered “regulated firearms” that do not require the HQL to obtain because they are not handguns. Unfinished frames and receivers can be built into long guns, which are not regulated by Maryland law or by the State Police. Requiring not only that someone comply with all of the marking and registration requirements for unfinished firearms and receivers already detailed previously AND that they have the HQL serves as nothing more than a deterrent against a Marylander working to comply with the law and does nothing against someone who has little to no respect for it.

I understand the desire to make Maryland a safer place for residents and that legislators have a duty to represent their constituents’ best interests, however, this legislation does not contribute in the slightest to public safety and makes many of the same mistakes of legislation submitted in prior years on this topic. Individuals determined to harm others will still find the means in order to do so unabated despite this legislation while honest and innocent Marylanders only face more burdensome and confusing laws that appear to do little more other than to punish them for seeking privacy. Prosecutors in Maryland already have a plethora of criminal statutes at their disposal for targeting those bringing harm against others in our communities (see MD Code, Public Safety, § 5-101(g), § 5-133(b), and § 5-205(b), just to name a few). Complying with the overwhelmingly intricate and tedious gun laws in Maryland that currently exist already leaves responsible people at risk of innocently running afoul of them and here the State again demands that gun owners shoulder more burdens entirely on their own. They do not need more potential pitfalls.

I urge an unfavorable report.

A handwritten signature in blue ink, appearing to read 'DJCW', is positioned above a faint, light blue circular stamp. The stamp contains some illegible text and a central emblem.

Daniel J. Carlin-Weber
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WRITTEN TESTIMONY OF SCOTT G. DAVIS IN OPPOSITION

Uploaded by: Davis, Scott

Position: UNF

February 15, 2021

WRITTEN TESTIMONY OF SCOTT G. DAVIS IN OPPOSITION TO SB 624

I appreciate the opportunity to present my testimony in opposition to 624 to the members of this committee this afternoon.

Building firearms has become one of my favorite hobbies over the years. I enjoy building firearms from un-serialized 80 percent receivers for my own personal use. AR style receivers are my firearms of choice, mainly for target shooting purposes. I have invested a lot of money in tooling and a lot of money into the firearms.

There is a stigma attached to “80 percent receivers”, “AR rifles/pistols” and so called “ghost guns”. These terms translate to “untraceable firearms” in the political arena. The mere mention of those words seem to conjure up fear, murder & crime in the minds of people that are not familiar with the hobby of building such guns. I assure you that all of us law abiding citizens that partake in this hobby are not criminals. We are people that enjoy working with our hands, enjoy problem solving and enjoy reaping the benefits of our labor once a project is complete. There are many of us.

How many innocent, law abiding lives does this panel find acceptable to ruin with stiff punishments, heavy fines and jail time by passing this bill? There are going to be far more law abiding people caught in this trap vs the virtually non-existent criminal activity that happens with these types of firearms. How many people can you statistically find that have used any of the types of guns that are outlined in this bill for criminal activity in the State of Maryland? I prefer that we focus on the severe crime problems that we already have instead of focusing on the anticipation of something that has not happened or very rarely occurs.

I quote one of the Democratic Delegates in the House of Representatives as saying, “You can't just pass a bill and say, OK, crime is solved”. – Baltimore Sun 2/21/2020

This is a very logical statement and I agree wholeheartedly. This statement was not in regards to this bill but this same reasoning applies to this bill, SB624. We can't just pass this bill and say, OK crime is solved. I do not understand why we, as a whole, are not applying this same logic when it comes to lawful abiding gun owners that enjoy building our own firearms for lawful purposes. This is just another bill that punishes home gun builders by creating criminals out of law abiding citizens.

The price that it takes to make a home built gun is equivalent to, or more, than it costs to buy the same gun that is already built by a manufacturer. We already know that statistically our crime problem is overwhelmingly committed by criminals using stolen handguns. It makes no sense for a criminal to research and buy an 80 percent kit, researching which particular type of expensive tooling to buy, purchasing all of the tooling and then learn how to build a firearm when they can simply buy a used,

stolen gun for a small fraction of the price and without the hassles of researching, tooling and building. While the criminal closure rate remains very low in our state's high crime areas, law abiding gun owners and home builders tend to be the scapegoated group that takes the brunt of proposed legislation such as this bill.

It does nothing to stop homicides and suicides. Criminals do not follow the law. Even if *all* guns were banned and confiscated in this state, it will not change the mentality of the people that are committing homicides.

When is the MGA going to move the focus of our homicide and suicide issues to a "people problem" instead of a "gun problem?" Until the MGA starts to focus on what drives people to commit these crimes, address the issues and come up with common sense solutions, this homicide problem does not go away. Us law abiding gun owners are tired of being the Maryland General Assembly's scapegoat for gun crime. The problem is not us hobbyists.

I request an unfavorable report.

Sincerely,

A handwritten signature in black ink. The first part of the signature is a large, stylized 'S' followed by the word 'SCOTT' in capital letters. The second part is a large, stylized 'D' followed by the word 'DAVIS' in capital letters. The signature is written in a cursive, flowing style.

Scott G. Davis

testimony.sb614.hb638.pdf

Uploaded by: Dunbar, Matthew

Position: UNF

Opposing Testimony Proposed Senate Bill 624 (HB 638)

Matthew Dunbar
Federal Firearms Licensed Manufacturer
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Dear Mr Chairman,

As a Federally Licensed Firearms Manufacturer, I would like to state emphatically that this bill is ill-conceived, and so poorly written as to make it totally impossible to be in compliance, not merely as a private individual, but not even as a Licensed Manufacturer. While this bill purports to address a new category of ‘ghost guns’, in reality, this is not a new, nor unusual category, or one for concern at all given there is a body of well-established law covering marking requirements for firearms. Instead, as proposed, *this bill amounts to a ban of all firearms manufacturing from unfinished receivers within Maryland.* In the following testimony I will address no fewer than eight fatal flaws in the proposed bill.

One — this law is totally unnecessary. It has *always* been legal in the United States *for private individuals who are not barred from legally possessing firearms* to manufacture firearms for their own personal use. This is not at all new or novel, and there is a significant federal body of law already in existence that more than adequately covers how this may be done legally. This proposed law would criminalize this right. That, in and of itself is unacceptable.

Beyond that, the law serves to further no real public interest. There are zero firearms crimes committed with an ‘unfinished receiver’. There never have been, and there never will be. It is impossible, because — by their very nature — they are *incomplete, and unusable.*

In the event that an ‘unfinished receiver’ is completed, it becomes a firearm, *subject to all of the laws already in existence, including federal marking requirements.* If that firearm is manufactured for resale, there is already an established and comprehensive body of law detailing marking requirements. Additionally, Maryland law already establishes an extensive framework for what may legally be manufactured, for personal use or for sale, within the State.

Law abiding citizens *already* comply with those laws and their requirements. If someone already fails to comply with the existing body of law, adding to that body of law will do nothing more than to further burden law abiding citizens, who pose no problems, while having no effect upon any criminals disregarding existing law. Enforcing the well-established laws already in place, instead of creating new ones, would be more than sufficient to address any manufacturing-related concerns or crimes.

Two — critically — Federal law provides clear guidance on what legally constitutes a firearm, what individual parts are just components, and what parts — the receiver — will eventually constitute a firearm. Federal law also provides clear guidance as to the point at which an ‘unfinished receiver’ becomes a firearm. At 80% an ‘unfinished receiver’ is a paperweight. At 81% complete, an ‘unfinished receiver’ is considered a firearm. *This percentage was not arrived at at random.*

To manufacture a firearm from raw material, and do so in a way in which it is, and will remain safe, functional, and reliable requires quality materials, costly equipment, and specialized knowledge.

There is a large amount of work involved in going from raw material to an 80% complete receiver. Very few manufacturers possess all of the tooling required to produce a complete receiver from raw materials. Much like an automobile manufacturer does not create every single component of an automobile from scratch, but leaves the manufacture of those components to companies specializing in those particular parts, firearms manufacturing relies upon components manufactured by companies specializing in individual parts. Receivers are no exception to this.

Realizing that firearms manufacturing serves an important need, Federal law establishes the definition of the point at which an ‘unfinished receiver’ becomes a ‘firearm’ at a point in the machining process that is economically viable. At 80%, the majority of the difficult and expensive process required to manufacture a fully-finished receiver has been completed, but a not insignificant amount of precise machining, requiring specific specialized knowledge, is still required in order to finish an 80% receiver to turn it into a functional firearm. An 80% receiver is not remotely functional. It cannot yet even be attached to other components. It, in both very real terms and by current definition, is NOT a firearm. This allows manufacturers to

Opposing Testimony Proposed Senate Bill 624 (HB 638)

Matthew Dunbar
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ship them as normal material without impossibly burdensome requirements for inventory control and record keeping. If an 80% receiver is damaged, it can be destroyed or recycled without a restrictive, burdensome and expensive record keeping requirement. It can be processed and completed by a manufacturer in a way that is still economically viable, but prior to such final tooling and machining, such an 'unfinished receiver' is still no more than a block of material, capable of holding down a stack of papers, but in no way even resembling anything functionally able to be used as a firearm.

The definition of an 'unfinished receiver' in Proposed Senate Bill 614 (HB 638) would completely upend that balance. The proposed definition is so overly broad and incomprehensible that it would effectively define raw metal or polymer eventually destined to *become* a receiver as an 'unfinished receiver' based effectively upon *intent*, instead of being based upon a clear and comprehensible set of quantifiable attributes. This is completely unworkable.

Under current, long-established law, ATF sets clear definitions for what constitutes varying degrees of completion for a given receiver. These definitions are important, and form the basis for the entire body of relevant law surrounding firearms manufacture and inventory control, what constitutes a serialized component for a firearm, and what does not. Both Federal and Maryland law currently provide clear and unequivocal requirements for marking and serializing firearms (i.e. receiver or frame), and prohibitions for the alteration or removal of markings and serial numbers, and those definitions are based upon the point at which a receiver becomes a firearm.

Under the proposed requirements, even a single raw, un-machined billet of metal or container of polymer would be required to be serialized and engraved, and be subject to all of the tracking and record keeping requirements of a fully completed firearm. This would be simultaneously tremendously burdensome and totally redundant. Tracking raw materials this early in the manufacturing process would impose a significant amount of additional paperwork, time, and effort at every stage in the supply chain while providing no real benefit. As the law currently stands, all of the record keeping requirements for a firearm begin at the point a receiver exceeds 80% completion (in real world terms a receiver is normally fully completed, then engraved upon completion in accordance with existing law, but, in the event that process was interrupted between 80% and 100% the existing requirements would then still apply). Prior to that point, there is nothing worth tracking — specifically, it is NOT a usable component, so there is no rational, meaningful reason to impose the significant, burdensome record keeping overhead any earlier in the process. To be clear, an 'unfinished receiver' is not functional until it is actually 100% complete. That final 20% margin *already* provides a significant burden of operations to complete where firearms laws apply, even before that receiver ever reaches a form in which it can be used to construct a useable firearm.

Three — the proposed additional record keeping requirements are extremely expansive and incredibly burdensome. The additional requirements for materials tracking would not only be significant, but would make manufacturing of receivers, which is already a low-profit-margin endeavor, even more expensive, and result in a significant increase in cost that would be required to be passed along the entire manufacturing chain, adding additional costs at every step, and resulting in a significant increase in prices for the consumer. This would in effect, for many Maryland citizens, prohibit access to firearms based upon economic status, and thus violate the 14th Amendment, Section 1 Equal Protection clause.

Four — the proposed law, as written, would prohibit the sale or transfer of unfinished frames or receivers, except to family members or law enforcement. There is no provision provided for Manufacturers or Licensees to conduct business between one another, or to individuals, effectively banning all related commercial activity. This, for manufacturers and licensees, constitutes restraint of trade.

Five — the proposed marking requirements for an 'incomplete receiver' based upon the proposed vague and incomprehensible definition, combined with the prohibitions upon altering or removing required engravings would make it impossible to actually manufacture a completed receiver even from the raw materials, because some of the manufacturing methods required necessarily remove or alter material as a part of those processes. Marking raw material in such a way as to preserve those markings during manufacturing would be effectively impossible. This, for manufacturers, constitutes restraint of trade.

Opposing Testimony
Proposed Senate Bill 624 (HB 638)

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Six — the proposed new engraving requirements and definitions are not only redundant *because Federal law already clearly stipulates engraving and serialization requirements covering the proposed requirements for firearms*, BUT, those proposed *also contradict* federal engraving guidelines. Manufacturer, importer, model, and caliber markings are *already* required. Those markings, however, are *separate requirements from and in addition to* the already federally mandated serial number markings. Indeed, federal law even specifies specific requirements for the format of serial numbers. *The proposed law would require all of those separate markings to be part of the serial number itself*. This would require significant alterations to existing markings, and alterations to existing serial numbers, which is already prohibited by law. This, by definition, would make compliance impossible.

Federal law provides very specific guidelines for the registration of serial number ranges and even for what characters are permitted within serial numbers that would make the proposed requirements impossible to meet for many manufacturers — not least of which is that the letters ‘I’ and ‘O’ are prohibited within serial numbers. Also, many frames and receivers are not caliber-specific until they are mated with a barrel and related components of the action of a given firearm, so, requiring caliber to be part of a serial number would preclude effective and efficient use of frames and receivers in the normal manufacturing process, if such caliber markings had to be added in advance and then restricted how those frames or receivers could be utilized.

Federally, for receivers and frames this is addressed either by the use of ‘multi’ as an acceptable catch all in place of a specific caliber, or by including caliber markings on the barrel or slide of completed firearms rather than the receiver, resulting in a complete set of markings meeting requirements in a way that also reflect the realities of the manufacturing process. The proposed bill takes none of this into account.

Seven — the proposed law would require additional markings for every single firearm, and every single ‘unfinished receiver’ *imported into Maryland*. This would be an incredibly expensive and burdensome requirement, over and above the very clear and extensive requirements *already required* by the detailed body of existing law, while providing zero added benefit. This would significantly increase the cost of firearms (by on average \$35 to \$50 dollars per firearm) and receivers (on average, by 50 to 100 percent) since few retailers have either the equipment or expertise to do so themselves, providing a completely unnecessary financial burden for citizens of Maryland, effectively making it more difficult, if not impossible for many citizens to be able to afford firearms. This would, again, prohibit access to firearms based upon economic status, and thus violate the 14th Amendment, Section 1 Equal Protection clause.

Eight — the proposed penalties for violations are entirely out of proportion with the proposed new crimes outlined. For those of us who have gone through not insignificant effort to become licensed, suspension of licensure for a first offense, a likely concern considering it would be impossible to be compliant with the proposed law, is also likely to lead to problems when attempting renewal, or to the flat out revocation of licensure prior to expiration of the existing license, even without a second offense. Revocation of licensure is likely to lead to permanent denial of any future license applications. Further, as this would be a firearms-related offense, this could lead also to permanent forfeiture of rights to possess firearms, let alone continue in firearms-related business. Business aside, this is also a serious risk for private citizens. This is egregious, especially considering the bill is pointless on its face at best, and incredibly harmful at its worst.

In summary, any one of the above-detailed flaws are grounds to reject the proposed bill. All of them together are disastrous. This bill seeks to regulate a non-problem, define new crimes and establish significant penalties, while unnecessarily reiterating or contradicting already established laws. The real effect — if not the intent — would be the total curtailment of any firearms manufacturing whatsoever in Maryland related to unfinished receivers or frames, either licensed or private, while clearly violating citizen’s rights under the Second and 14th Amendments. It would also place heavy burdens on interstate, rather than intra-state commerce, given that nearly every firearm or receiver transferred or sold within the state originates outside of Maryland. It provides no resulting positive public interest, let alone one that would justify these serious burdens upon fundamental rights. This bill cannot proceed. It *must* be rejected.

Thank you for your time and consideration.

SB624 Testimony.pdf

Uploaded by: Gross, Kenneth

Position: UNF

SB624: SB624/HB638 - Untraceable and Undetectable Firearms

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Position: UNFAVORABLE (OPPOSE)

SB624 (HB638) is an overly broad, largely redundant and impractical bill that would do nothing to address violent crime, thereby only placing undo burdens on the MD State Police and law-abiding citizen gun owners.

- 1) SB624, a ban on “undetectable firearms,” is redundant of Federal law and unnecessary.
- 2) The ban on covert firearms penalizes possession permitted by Federal law.
- 3) SB624 would not prevent or deter criminals from acquiring guns, but would penalizing law-abiding gun owners
- 4) SB624 is overbroad and imposes impractical requirements
- 5) The bill imposes heavy costs on the MD State Police to conduct truncated background checks & issue Handgun Qualification Licenses

HB 638 and SB 624 OPPOSE - Stephen Johnston.pdf

Uploaded by: Johnston, Stephen

Position: UNF

Stephen Johnston

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February 15, 2021

HB 638 and SB 624
OPPOSE

I am a defense contractor whose current and prior employers include one of the top research laboratories in the United States and one of the leading aerospace corporations in the world. In my spare time I enjoy shooting sports, 3D printing, and amateur machinist work. Similarly, many of my coworkers share the same passions for designing and engineering work, shooting sports, hunting, and outdoor pursuits. When it comes to our firearms, we will not settle for an off the shelf gun, we like to tinker and at times engineer entirely new parts and mechanisms to reach our goals. I write in opposition to HB638 and SB624, bills that place undue burden on the owners of existing lawfully made firearms, including those owned for the purpose of self-defense in the home as well as adds contradictions to federal law. Maryland residents have always had the right to make their own firearms since before the founding of this nation. Many of the colonial era gunsmiths who made the very arms our nation won independence with were little more than men and women in a shed making their own firearm, much like today's firearm enthusiasts making their own firearms. This bill also serves to add yet another opportunity for selective enforcement in a time when police reform has taken front and center stage, all in the idea of an over-hyped threat of home manufactured firearms potentially being used in crimes.

Serial Numbers

The majority of my home manufactured firearms are polymer framed firearms with a metal plate molded into the plate for identification. With the small real estate of these plates I have stamped unique serial numbers for my own use and for registration with Maryland State Police (in the case of handguns) in case of loss, theft, or an insurance claim in case they are destroyed in a disaster. This bill, however, would require I engrave my "full legal name" as well as my city on this small plate in addition to the serial number that already takes up the entire space for engraving. This contrasts to existing federal law (ATF regulations, 27 C.F.R. 497.92(a)(1)(ii)(C)) require, for a domestically made firearm, "your name (or recognized abbreviation)". These same federal regulations also allow the manufacturer to use a "recognized abbreviation" for a city and allows information to be "engraved, casted, stamped (impressed) or placed on the frame, receiver or barrel." This is much easier to comply with given the extra real estate on the firearm when using these federal regulations that current manufacturers are held to when compared to the proposed regulation that would require I fit my full

legal name, city of residence, and serial number on a metal plate that measures less than one square inch.

The marking requirements would be prohibitively expensive

These extremely technical marking requirements are not only traps for those who are unwary, but they require fine engraving possible only with specialized, computer controlled engraving/machining equipment costing thousands of dollars. Take, for example, the products made by Able Engravers (<https://www.able-engravers.com/computerized-machines.htm>). Their least expensive offering that could physically fit a firearm receiver starts at \$6,500 (<https://www.able-engravers.com/de-3.htm>) for the machine itself, not taking into account the expense of the software to control the device.

The way I marked my home manufactured firearms was with a set of steel letter and number punches costing under \$50. However, these markings do not comply with the proposed bill in that they do not include my city of residence or full legal name. Only the serial number that I registered with Maryland State Police. This marking already stands to create a record with the State Police establishing the appearance, serial number, make, model, and caliber of my firearms, but under the wording of the proposed bill I would be afoul of the law since there is no room to further engrave or stamp more information.

The bill is ambiguous

The bills define an “unfinished frame or receiver” to mean “a product that is intended or designed to serve as the frame or receiver, including the lower receiver, of a firearm, but is in an unfinished state of manufacture.” The bills also define “unfinished frame or receiver” as including (but is not limited to) “a blank, casting, or machined body that requires modification, such as machining, drilling, filing, or molding, to be used as part of a functional firearm.” These definitions are ambiguous in nature since the wording would also cover something as “unfinished” as a block of metal without a single step of machining or milling applied. While I highly doubt Maryland State Police will be dispatched to all of the metal suppliers and materials stores in the state of Maryland, all of these facilities would house pieces of metal that fall under the definition of an “unfinished frame or receiver” per the bill text.

To show how I, as an average Maryland resident, would be effected by this ambiguous wording, since I enjoy 3D printing and woodworking, would a spool of unused 3D printing filament or a block of rough wood constitute an “unfinished firearm receiver” under the text of this bill? Yes it would. As would the steel pipe that carries natural gas to my homes appliances since one could fashion it into a firearm receiver. The bill doesn’t take into account the intent of the end user and I feel this is a fatal oversight that will lead to innocent people being charged for possessing chunks of metal and plastic with zero intent to create a firearm and serves to add yet another opportunity for selective enforcement, arrest, and prosecution in a time when police reform has taken front and center stage.

The question of costs and why someone would want to make their own gun

Many firearm makers in the state of Maryland have taken to customizing and making their own firearms. Be it for tailoring to individual needs, making an otherwise out of production firearm where costs of an original copy are a tremendous burden, or simply for the pride and satisfaction of making something with your own two hands and the know-how to work with them. Make no mistake, there is value not only in individual parts, but also in the time and effort that goes into the making of the gun. This bill threatens to deprive Maryland residents of property, not only the value of materials but the value of time invested, sometimes many times over in the case of serious collectors.

Cost arguments aside, I have been a firearm owner for a few years now, the clear message I've received from bills like this is one of disdain and animosity toward those with an interest in owning a firearm for self defense, sport shooting, or hunting. This bill is no different, the bill is arbitrarily picking the origin of a firearm and attempting to deprive Maryland residents of their property with no justification and no compensation for their hard work, time, and materials.

The Do-It-Yourself attitudes that have become prevalent in our culture, be it home gardening, working on your own automobile, or even brewing your own fine wine or craft beer, also exist in the firearm community. Many Maryland residents like to tailor the things they use. In the case of a firearm, that thing is used for anything from self defense, hunting, or competition shooting. If the store doesn't provide it or charges unreasonably for it, they may wish to make it themselves. Take for instance, the case of me trying to find just the right grips for a handgun I enjoy shooting. I purchased a very nice CZ-75 handgun from a Maryland gun dealer, went through the MD State Police 77R process, but found when shooting that the grips simply didn't fit my hands or grip very well. Due to the company designing the handgun to fit a diverse base of customers, an active aftermarket exists for grip panels fitting this off the shelf gun. In essence, however, it's a guess and test system for what overpriced piece of plastic will fit your hands the best when it's bolted to the grip of the handgun. As I have a fair background in Computer Aided Design (CAD) and 3D printing, I decided to design and print grip panels for this handgun until I arrived on ones that fit my hand and afforded me the best grip, control, and accuracy with that firearm. Commercial grip panels for this firearm are essentially \$50-75 pieces of plastic, imagine having to try three different sets before you find one that fits you.

Lets take another example of why one might want to build their own firearm. In the case of Glock brand handguns, a common complaint is the ergonomics of the grip not fitting most hands very well. One option is to buy the Glock handgun, send it off to a custom gunsmith, wait weeks or even months, and pay in upwards of \$1,000 to have a handgun that fits your hand well. Another option is to manufacture your own. In the case of a Polymer 80 handgun frame, the ergonomic enhancements are already there from the factory but you still have to use commercial, off the shelf, Glock brand parts. The frame itself is where you must do the manufacturing yourself. It would be a violation of federal law to manufacture a firearm for another person, after all, so the burden of manufacture is on you, the ultimate owner of the firearm. When all is said and done, a handgun manufactured on a milling machine (often costing upwards of \$10,000 for even a used machine) will cost about \$650. Cheaper than the custom shop option, but still more expensive than an off the shelf Glock costing approximately \$400-500. Once again, the purpose of manufacturing this handgun yourself can be summarized with cost savings, ergonomics, and satisfaction in knowing *you* made the firearm you're depending on.

What does this bill mean to furthering the interest of public safety?

The rationale for this bill is weak, the only people who would comply are those who actively follow developments in Maryland law and have an interest in staying on the right side of the law. Criminals, by definition, do not follow these laws and will continue to ignore them. This law will not hurt criminals, but only those who chose to engineer firearms to meet their specific interests and needs, all while these Maryland residents did painstaking research into state and federal law to ensure they don't violate existing laws.

For these reasons, I must urge you give an unfavorable report to this bill. If it were enacted into law, the State will be prosecuting inevitable violations by otherwise law-abiding citizens of Maryland, destroying reputations and inflicting legal and economic ruin on these individuals, all for continuing to own a firearm that was legal the night before. Jobs will be lost, security clearances revoked, and families broken. Whatever public safety rationale is hollow, as criminals aren't going to invest the time, research, and effort into manufacturing their own firearm when a stolen handgun can be purchased in a back alley of Baltimore. Instead of muzzling the creativity, skill, and curiosity of Maryland residents by taking their property, it would better serve public interest to instead focus on those who have demonstrated a willful disregard for the lives and safety of others, the very people harming innocent people right now.

Sincerely yours,



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SB0624_Testimony_Unfavorable.pdf

Uploaded by: Josselyn, John

Position: UNF



2A Maryland

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Senate Bill 624
Public Safety - Untraceable and Undetectable Firearms
Unfavorable

According to Bloomberg's Everytown organization:

"The rise of ghost guns is the fastest growing gun safety problem facing our country."

"Ghost guns are predictably emerging as a weapon of choice for violent criminals, gun traffickers, dangerous extremists, and other people legally prohibited from buying firearms." <https://everytownresearch.org/report/atf-the-rising-threat-of-ghost-guns/>

For several years, 2A Maryland has submitted Public Information Act (PIA) requests to six major law enforcement agencies seeking information on firearms, including so-called "Ghost Guns."

Despite the proponents' allegations that we are facing an imminent public safety crisis, only one law enforcement agency (Howard County) has reported any data on these firearms and even then, only 20 firearms over the three-year period from 2018 to 2020. See Attachments 1 & 2. No information regarding how or under what circumstances these firearms came into the agency's possession was provided. Most of the agencies responding reported that they do not track so-called "Ghost Guns."

H. L. Mencken wrote: *"The whole aim of practical politics is to keep the populace alarmed (and hence clamorous to be led to safety) by an endless series of hobgoblins, most of them imaginary."* The so-called "Ghost Gun" is this year's hobgoblin.

In 1994, the hobgoblin was the so-called "assault pistol." The Maryland General Assembly reacted with a total ban on these firearms. The net result was twofold, crime did not go down and the number of so-called "assault pistols" used in crimes or confiscated by law

Senate Bill 624
Unfavorable

enforcement increased for several years. Criminals who had previously not employed “assault pistols” to any great degree suddenly saw them as a street “status symbol” and many entered the criminal arena via straw purchases.

This Committee would do well to view Ken Burns’ excellent documentary on Prohibition and the Volstead Act. What was intended as a ban had just the opposite effect. An industry which was subject to some limited regulation evolved into the illegal bootlegging industry with homemade stills springing up across the country. What was open and controlled when legal went underground and proliferated under prohibition. Neighborhood bars stocked up on liquor. Those that had closed at 2 AM were replaced with speakeasys which remained open all night. The consumption of alcohol increased nationwide. Organized crime recognized the opportunity to profit and stepped in to take advantage of this new-found enterprise by meeting the demand.

The American people are freedom loving and do not react well to government bans. A clear example can be seen here in Maryland. Due to the posturing of anti-gun groups and more recently, the newly inaugurated President, over 111,000 Maryland citizens have become first time gun owners since 2018.

The provisions of SB 624 are so-convoluted that they actually conflict to the degree that the phrase “you can’t get there from here” seems to apply. For example:

§5-701 (J)

(1) “UNFINISHED FRAME OR RECEIVER” MEANS A PRODUCT THAT IS INTENDED OR DESIGNED TO SERVE AS THE FRAME OR RECEIVER, INCLUDING THE LOWER RECEIVER, OF A FIREARM, BUT IS IN AN UNFINISHED STATE OF MANUFACTURE.

(2) “UNFINISHED FRAME OR RECEIVER” INCLUDES A BLANK, CASTING, OR MACHINED BODY THAT REQUIRES MODIFICATION, SUCH AS MACHINING, DRILLING, FILING, OR MOLDING, TO BE USED AS PART OF A FUNCTIONAL FIREARM, IF IT DOES NOT INCLUDE A PIECE OF MATERIAL THAT HAS:

(I) BEEN ALTERED IN SIZE OR EXTERNAL SHAPE SOLELY TO 12 FACILITATE TRANSPORTATION OR STORAGE; OR 13

(II) UNDERGONE AN ALTERATION IN CHEMICAL COMPOSITION.

Senate Bill 479
Opposition

Exactly what is meant by §5-701 (J)(2) (I) and (II) is a question best left for the sponsor to explain.

§5-703 (A)(1) requires that even unfinished frames must have a serial number and other identifying information

Under the definitions in §5-701, even a raw casting or simple length of metal bar stock are treated as a firearm will be required to have a serial number. This means that foundries and steel mills will be required to become FFLs and serialize their raw materials.

However, during the final machining process, the outer surface will be removed and will it the serial number. Removal of a serial number from an unfinished frame or receiver is prohibited by §5-142 and by federal law for a firearm.

This bureaucratic nightmare will impact the 131 licensed firearm manufacturers currently identified by the ATF. It will not impact the criminals nor will it enhance public safety or reduce crime.

We request this Committee to return an unfavorable report on SB 624.

Respectfully,

John H. Josselyn
2A Maryland



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.

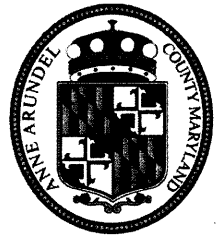
Respectfully,

John H. Josselyn

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

enc.

**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	6	10	13	8	5	14	56
02 Rape	2	5	1	3	4	1	16
03 Robbery	239	205	198	167	223	141	1,173
04 Assault	113	120	147	146	134	143	803
Total	360	340	359	324	366	299	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	6	192	213
Total	131	57	1,325	1,513



Catherine E. Pugh
Mayor

BALTIMORE POLICE DEPARTMENT



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 categorized 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, 431 Shotguns, 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,

A handwritten signature in black ink, appearing to read 'Dana Abdul Saboor', written in a cursive style.

Dana Abdul Saboor
Document Compliance Unit
Baltimore City Police Department



LARRY HOGAN
GOVERNOR

BOYD K. RUTHERFORD
LT. GOVERNOR

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



COLONEL
WILLIAM M. PALLOZZI
SUPERINTENDENT

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.

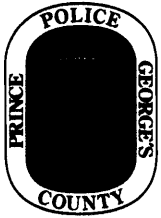
I am required to provide you with notice of the remedies available for review pursuant to GP §4-203. You may seek judicial review of this decision in the appropriate Circuit Court in accordance with GP §4-362. You may also seek dispute resolution in accordance with GP §4-1B-04.

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

Sincerely,

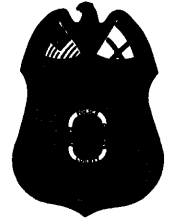
Rhea L. Harris
Public Information Act Coordinator

Attachments



PRINCE GEORGE'S COUNTY POLICE DEPARTMENT

7600 BARLOWE ROAD
PALMER PARK, MARYLAND 20785



ANGELA D. ALSOBROOKS
COUNTY EXECUTIVE

HENRY P. STAWINSKI III
CHIEF OF POLICE

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
John T. Mitchell
Associate County Attorney

From: [Ernest Reitz](#)
To: jhosselyn@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



CONNECT WITH BALTIMORE COUNTY



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.	"
(3)Firearms used in crime which never had a serial number and which were produced by private individuals.	This data is not tracked.	"
(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.	"
(5)Firearms used in crime which were produced in whole or part on a 3D printer.	This data is not tracked.	"
(6)Firearms used in crime which were produced on CNC machinery.	This data is not tracked.	"
(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.	"
(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.	"
(9)Firearms used in crimes by year and type, which were stolen and subsequently returned to the lawful owner.	This data is not tracked.	"
(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.	"
(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



December 21, 2020

PUBLIC INFORMATION ACT REQUEST

Anne Arundel County Police Department
Baltimore County Police Department
Baltimore Police Department

Howard County Police Department
Montgomery 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 2018 through 2020:

1. Number of firearms used in crime and subsequently recovered by your agency. Total numbers, by year and firearm type (rifle, pistol, revolver, shotgun, assault rifle).
2. Number of firearms used in a crime and subsequently recovered by your agency which had serial numbers removed or otherwise obliterated. Total numbers listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).
3. Number of firearms used in crime and subsequently recovered by your agency which never had a serial number (e.g. built from commercially produced 80% complete receivers) which were subsequently completed by a private individual. Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle).
4. Number of firearms used in crime and subsequently recovered by your agency which never had a serial number, which were produced from raw materials by a private individual. Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle).
5. Number of firearms used in crime and subsequently recovered by your agency which were produced in whole in in part on a 3D printer of any description. Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle).
6. Number of firearms used in a crime by the legal registered owner and subsequently recovered by your agency. Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle).
7. Number of firearms used in crimes which were used by someone other than the legal registered owner and subsequently recovered by your agency Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle).

8. The number of cases and the number of charges filed for the "Straw Purchase" of a regulated firearm. (Public Safety Articles §5-136 & §5-141)
9. The number of cases and the number of charges filed for the illegal transfer of a regulated firearm by private individuals. (Public Safety Article §5-124)
10. The number of cases and the number of charges filed for the possession of ammunition by a prohibited person. (Public Safety Articles §5-133 & §5-133.1)

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

jhjosselyn@2AMaryland.org

CALVIN BALL
County Executive



LISA D. MYERS
Chief of Police

HOWARD COUNTY DEPARTMENT OF POLICE

3410 Court House Drive, Ellicott City, Maryland 21043

Mr. John H. Josselyn
jhjosselyn@2AMaryland.org

Dear Mr. Josselyn:

In response to your request under the Maryland Public Information Act §4-101 et. Seq. of the General Provisions Article of the Annotated Code of Maryland (PIA), for records relating to “firearms data and information for the years 2018 through 2020.” Please find below the responsive data for items number 1,2,3,8,9, and 10.

Item 1 - Number of Incidents with Firearm

	HANDGUN	RIFFLE	OTHER FIREARM	SHOTGUN	INCIDENTS
2018	121	9	12	3	145
2019	133	9	18	6	166
2020	141	7	15	6	169

Item 2 - Serial Numbers Removed or Obliterated

	HANDGUN	RIFFLE	OTHER FIREARM	SHOTGUN	TOTAL
2018	3	0	0	1	4
2019	3	0	0	0	3
2020	1	0	0	0	1

Item 3 - Never Had Serial Number

	HANDGUN	RIFFLE	OTHER FIREARM	SHOTGUN	TOTAL
2018	2	0	0	0	2
2019	8	3	0	0	11
2020	7	0	0	0	7

Items 8 and 9 and 10 - Charges Filed

	PS §5-136	PS §5-141	PS §5-124	PS §5-133	PS §5-133.1
2018	0	0	0	42	19
2019	0	0	0	71	24
2020	0	0	1	53	16

TELEPHONE: 410-313-3200
FAX: 410-313-3295
WWW.HOWARDCOUNTYMD.GOV
HCPD@HOWARDCOUNTYMD.GOV



CALVIN BALL
County Executive



LISA D. MYERS
Chief of Police

HOWARD COUNTY DEPARTMENT OF POLICE

3410 Court House Drive, Ellicott City, Maryland 21043

Please be advised that a search of the Howard county Department of Police record management programs for item numbers 4 and 5 did not return any responsive records or data. Item numbers 6, and 7 will require a hand review of approximately two hundred eight (280) incident report. The estimated time it will take to review these reports is 9.5 hours.

Pursuant to the Act, you may be charged a reasonable fee for the search, preparation and reproduction of the requested records. By law, the first two (2) hours of labor costs are provided to you at no charge. The time expended complying with your request at this point is 2.5 hours. The review of the incident reports to obtain data for items 6, and 7 fee estimation is \$ 619.02. If you would like the Department to complete this research, and review of the incident reports to obtain the data requested in items 6 and 7, please submit a check or money order made payable to the Howard County Director of Finance for the total fee amount listed above, upon receipt the Department will begin the process of the review.

Please be advised that you have the right to judicial review of the denial of a part of a public record pursuant to Section §4-362 of the General Provisions Article by filing a petition in the Circuit Court for Howard County or in the Circuit Court in Maryland in which you reside or maintain a principal place of business. If you have any questions or concerns, please do not hesitate to contact me at 410-313-2280

Sincerely,

Jeanne Upchurch
Custodian of Record
Howard County Department of Police

JU/jc





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 12, 2021

John Josselyn
2A Maryland


Dear Mr. Josselyn,

This letter is in response to your request dated December 20, 2020. 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, most data sets that you have requested pertaining to information that we either do not collect or do not index in a searchable manner. I have attached three reports: Violent Crime with Guns, Stolen and Recovered Guns* and Count of Applied Selected Charges. Please note that the first two are YTD data for 2020. As we are not yet done validating police reports for that calendar year, the data is subject to change. Regarding the report of charges, please note that the data reflects what is in our system currently and does not include charges applied and later expunged by court order. Regarding all other listed items, no records are responsive to those requests. However, some unrelated data has been compiled by way of report review to provide certain elements for Anne Arundel County's Gun Violence Protection Task Force, which I have also included for reference should you be interested.

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

enc.

**Anne Arundel County Police
Violent Crime With Guns Involved
1/1/2018 to 11/30/2020*YTD 2020**

	2018	2019	2020	Total
01 Murder	13	12	10	35
02 Rape	1	2	2	5
03 Robbery	143	114	83	340
04 Assault	148	87	142	377
Total	305	215	237	757

Stolen And Recovered Guns
1/1/2018 to 12/31/2020*YTD 2020

	RCV	SAR	STN	Total
2018	15	6	193	214
2019	20	13	167	200
2020	18	4	123	145
Total	53	23	483	559

Key:

RCV = recovered

SAR = stolen and recovered

STN = stolen (no recovery)

Count of Charges Applied

Selected Codes

1/1/2018 to 12/31/2020

**Number of unique charges are not necessarily unique cases/reports*

		Total
10642	REG FIREARM-UNL SAL	7
11105	REG FIREARM-ILL SALE	1
11106	REG FIREARM:ILL POSS	214
11609	FIREARM-POSS W/FEL CON	135
12801	REG FIREARM:STN/SELL	61
15230	FIREARM/SALE/DEALER	1
15285	POSS FIREARM/AMMO/MI	132
20239	FIREARMS-ACC BY MINR	7
25210	REG FIREARM:S/W/O LI	1
Total		559

The codes listed above are charging codes.

See the following pages for an explanation of the codes.

PS 5-144(a)(1)
MISDEMEANOR
\$10,000.00-5 YEARS
(Each violation is a separate crime.)

1_0642* **REG FIREARM - UNLAWFUL SALE/TRANS*
...did knowingly participate in the illegal
[sale/rental/transfer/purchase/possession/receipt] of a regulated
firearm.

7 offenses

**Restrictions on Sale, Transfer and Possession of
Regulated Firearms**
PS 5-134(b)
MISDEMEANOR
\$10,000.00 – 5 YEARS

1_1105* **REG FIREARM-ILLEGL SALE/TRAN*
...did [sell/rent/loan/transfer] a regulated firearm to wit: ____
(describe) to ____ (name) [knowing/having reasonable cause to
believe] that the said person [had been convicted of a crime of
violence/had been convicted of a violation classified as a felony
in this state or any conspiracy to commit any crimes established
by those sections/any violation classified as a misdemeanor in
this state that carries a statutory penalty of more than two
years/had been convicted of any violation as a common law
offense where the person received a term of imprisonment of
more than two years/is a fugitive from justice/is a habitual
drunkard/is addicted to and is an habitual user of any controlled
dangerous substance/was visibly under the influence of alcohol
and drugs/was under 21 years of age and not authorized to
possess a regulated firearm under PS 5-133(d)/was a participant
in a "straw purchase" as defined in Section 5-136 of this
article/is a participant in a "straw purchase as defined in Section
5-136 of this article/is a respondent against whom a current non
ex parte civil protective order has been entered under Section 4-
506 of the Family Law Article/is less than 30 years of age at the
time of the transaction and has been adjudicated delinquent by a
juvenile court for committing a crime of violence/is less than 30
years of age at the time of the transaction and has been
adjudicated delinquent by a juvenile court for committing any
violation classified as a felony in this state / is less than 30
years of age at the time of the transaction and has been
adjudicated delinquent by a juvenile court for committing any

Charging Codes Referenced in AACoPD Response
(This data was not included with the AACoPD response.)

violation classified as a misdemeanor in this state that carries a statutory penalty of more than 2 years / subject to subsection (c-2) of this section, for a transaction under this subsection that is made on or after January 2002 has not completed a certified firearms safety training course/intended to use the regulated firearm to commit a crime/intended to use the regulated firearm to cause harm to another person].

1 offense

PS 5-133(b)

MISDEMEANOR

\$10,000.00 - 5 YEARS

1_1106* **REG FIREARM: ILLEGAL POSS*

...did knowingly possess a regulated firearm [after being/being/being a person] _____ (select from list below.)

1. convicted of a disqualifying crime to wit: _____ (charge), a violation classified as [a felony in the state/a misdemeanor in the state that carries a statutory penalty of more than 2 years];
2. convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;
3. a fugitive from justice;
4. a habitual drunkard;
5. addicted to any controlled dangerous substance or is a habitual user;
6. who suffers from a mental disorder as defined in HG 10-101(f)(2) and has a history of violent behavior against the person or another;
7. who has been found incompetent to stand trial under CP 3-106;
8. that has been found not criminally responsible under CP 3-110
9. that has been voluntarily admitted for more than 30 consecutive days to a facility as defined in HG 10-101;
10. that has been involuntarily committed to a facility as defined in HG 10-101.
11. who is under the protection of a guardian appointed by a court under ET 13-201(c) or ET 13-705, except for cases in which the appointment of a guardian is solely a result of a physical disability.
12. who is a respondent against whom a:
 - i. a current non exparte civil protective order has been entered under FL 4-506; or
 - ii. an order for protection, as defined in FL 4-508.1, has been issued by a court of another state or a Native American tribe and in effect;
13. if under the age of 30 years at the time of possession, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult.

NOTE: Penalty PS 5-143

NOTE: DO NOT use this charge if prior conviction is a crime of

Charging Codes Referenced in AACoPD Response
(This data was not included with the AACoPD response.)

violence under PS 5-101(c), a crime listed under CR 5-602 – CR 5-605, or a crime listed under CR 5-612 – CR 5-614.

NOTE: See PS 5-133 and (f) for exceptions.

NOTE: “convicted of a disqualifying crime” does not include a PBJ for assault in the second degree, unless the crime was domestically related under CP 6-233. See PS 5-101 for definitions.

Rev. 10/1/2020

441.

214 offenses

PS 5-133(c)

FELONY

15 YEARS

PRELIMINARY HEARING

1_1609* **FIREARM-POSS-CRIM VIO/FEL CONV*

...did possess a regulated firearm after having been convicted of: _____. (choose from below)

1. a crime of violence as defined in PS 5-101(c);
2. a crime of violence as defined in CR 14-101;
3. a violation of [5-602/5-603/5-604/5-605/5-612/5-613/5-614/5-621/5-622] of the Criminal Law Article]; or
4. _____(describe offense), an offense under the laws of [_____(state)/the United States] that would constitute a [crime/crime of violence] under _____(cite statute from options above), if committed in this state.

NOTE: A person convicted of this charge is subject to a mandatory minimum sentence of 5 years, of which any part may not be suspended. Except as noted in CS 4-305, the defendant is not eligible for parole during the mandatory minimum sentence. See CR 5-133(c)(3) for court discretion of mandatory minimum sentence and required State’s Attorney notification. Each violation shall be considered a separate offense.

NOTE: See PS 5-133(e) and (f) for exceptions

135 offenses

Sale, Transfer, etc., of Regulated Firearm

PS 5-138

PENALTY SEC. 5-144

MISDEMEANOR

\$10,000.00 - 5 YEARS

1_2801* **REG FIREARM: STOLEN/SELL ETC.*

...did [possess/sell/transfer/dispose of] a regulated firearm, to wit: _____ (state type of firearm) [knowing/having reasonable cause to believe] the same to have been stolen.

NOTE: This subtitle, does not include any antique or unserviceable firearms sold or transferred and/or held as curios or museum pieces.

61 offenses

PS 5-123

PENALTY SEC. 5-144

MISDEMEANOR

\$10,000.00 - 5 YEARS

1_5230* **FIREARM/SALE/DEALER*

...did, being a regulated firearms dealer,[sell/rent/transfer] a regulated firearm, to wit: ____ (describe), to ____ (name), before the expiration of seven days from the time an application to purchase and transfer had been executed by the prospective purchaser and transferee, and the original copy forwarded by the prospective seller and transferor to the Secretary of the State Police

1 offense

PS 5-133(d)

PENALTY SEC. 5-144

MISDEMEANOR

\$10,000.00 - 5 YEARS

1_5285* **POSS OF FIREARM/MINOR*

...did, being under 21 years of age, possess a regulated firearm to wit _____.

NOTE: See PS 5-133(d)(2) for exceptions.

132 offenses

CR 4-104
MISDEMEANOR
\$1,000.00

2_0239* **FIREARMS-ACCESS BY MINORS*

...did store and leave a loaded firearm in a location where _____ (name of defendant) [knew/should have known] that an unsupervised minor under 16 years of age would gain access to the firearm.

NOTE: Firearm means pistol, revolver, rifle, shotgun, shortbarreled rifle, short-barreled shot gun or any firearm except antique firearms as defined by Art. 27, Sec. 36F.

"Minor" means an individual under the age of 16.

NOTE: Section does not apply if:

1. Minor's access supervised by person 18 years or older;
2. Minor's access obtained as result of unlawful entry;
3. Firearm in possession or control of law enforcement officer engaged in official duties;
4. Minor has certificate of firearm and hunter safety as set forth in section 10-301.1 of Natural Resources Article.

7 offenses

PS 5-106
PENALTY SEC. 5-144
MISDEMEANOR
\$10,000.00 - 5 YEARS

2_5210* **REG FIREARM: SALE W/O LICENSE*

...did engage in the business of [selling/renting/transferring] regulated firearms, without lawfully possessing a dealer's license issued by _____ (the Secretary of the Maryland State Police or his duly authorized agent).

NOTE: Each day on which a regulated firearm is unlawfully sold or offered for sale shall be considered a separate offense.

1 offense



2A Maryland

2A@2AMaryland.org

November 5, 2020

Colonel Woodrow Jones III, Superintendent
Department of Maryland State Police
1201 Reisterstown Road
Pikesville, MD 21208

PUBLIC INFORMATION ACT REQUEST

Re: Report on "Ghost Guns" Confiscated in Maryland

Dear Colonel Jones:

A recent funding request (copy attached) from a local gun control advocacy organization alleges *"From January to September of this year, the Maryland State Police reported 22 ghost guns seized in Baltimore and 37 ghost guns seized in Montgomery County."*

I hereby respectfully request copies of any reports and/or data which your agency may have compiled or received from other law enforcement agencies, including but not limited to Baltimore City and Montgomery County directly or indirectly relating to the existence and/or seizure of so-called "Ghost Guns".

The term "Ghost Guns" has no legal definition, for purpose of this request, "Ghost Guns" are those firearms which have never been marked with a serial number and were confiscated from some person other than the person who actually manufactured the regulated part.

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

Respectfully,

John H. Josselyn

Attachment: Ghost Guns 10-05-2020.pdf

From: [Marylanders to Prevent Gun Violence](#)
To:
Subject: Ghost Guns
Date: Monday, October 05, 2020 9:01:56 AM



We're hard at work preparing for The Maryland General Assembly's 2021 legislative session. While we aren't ready to share our entire plan yet, we did want to give you a sneak peek at one effort we are focused on.

Last week you may have seen the [article](#) in the Washington Post about the George Mason University student who pleaded guilty to selling ghost guns. This is an increasing problem in Maryland. From January to September of this year, the Maryland State Police reported 22 ghost guns seized in Baltimore and 37 ghost guns seized in Montgomery County.

These guns, free of serial numbers, are a problem as they are untraceable, easily diverted to the underground market and sold to individuals who would not be able to pass a background check. That's why we intend to return to Annapolis to pass legislation regulating the sale of ghost guns.

Please consider [donating](#) so that we can support these efforts.

Thanks as always for your continued support,



Karen Herren
Legislative Director

About Us

We're working to reduce the number of senseless deaths that occur at the hands of guns through education and legislative advocacy. Our efforts are designed to challenge the culture of violence, influence public policy, and encourage Marylanders to take action to make their state safer. And we are funded only by supporter contributions and small grants.

Please support our [work with a recurring monthly or one-time gift today.](#)

Contact Us

Marylanders to Prevent
Gun Violence
2600 St. Paul Street
Baltimore, Maryland
21218
info@mdpgv.org

CONTRIBUTE

[Unsubscribe](#)



LARRY HOGAN
GOVERNOR

BOYD K. RUTHERFORD
LT. GOVERNOR

STATE OF MARYLAND
MARYLAND STATE POLICE
1201 REISTERSTOWN ROAD
PIKESVILLE, MARYLAND 21208-3899
410-486-3101
TOLL FREE: 1-800-525-5555
TDD: 410-486-0677



COLONEL
WOODROW W. JONES III
SUPERINTENDENT

November 17, 2020

John H. Josselyn
2A Maryland

RE: PIA# 20-3412

Copies of any reports and data received from law enforcement agencies related to the existence and/or seizure of Ghost Guns (January to September 2020)

Dear Requester:

On November 13, 2020, the Maryland State Police received your request under the Public Information Act (Annotated Code of Maryland, General Provisions Article §§ 4-101 through 4-601) for the information captioned above.

I am writing to advise that it will take us more than 10 working days to produce the requested records. The delay is due to the time required to perform a thorough search of our records and to conduct the necessary review process. Once all of the records have been collected, they must be reviewed to determine whether they are, in whole or in part, exempt from disclosure under the Act. If any are to be withheld, our response will explain the reason. If there is a fee associated with the collection, processing and releasing of the requested information, you will be advised of same.

We believe that we will be able to respond to your request within 30 days of the date it was received. However, if we are able to complete your request more quickly, you will receive a response sooner.

Please do not hesitate to contact me if you have any questions or concerns about your request.

Sincerely,


Mark Urbanik
Public Information Act Coordinator



LARRY HOGAN
GOVERNOR

BOYD K. RUTHERFORD
LT. GOVERNOR

STATE OF MARYLAND
MARYLAND STATE POLICE
1201 REISTERSTOWN ROAD
PIKESVILLE, MARYLAND 21208-3899
410-486-3101
TOLL FREE: 1-800-525-5555
TDD: 410-486-0677



COLONEL
WOODROW W. JONES III
SUPERINTENDENT

November 19, 2020

John H. Josselyn
2A Maryland

RE: PIA 20-3412
1138359363

Copies of any reports and data received from law enforcement agencies related to the existence and/or seizure of Ghost Guns (January to September 2020)

Dear Requester:

While processing your information request, I was advised that the data posted to Marylanders to Prevent Gun Violence's (MDPGV) website, related to the numbers of Ghost Guns seized in Baltimore City (22) and Montgomery County (37), is inaccurate and was not reported by this Department. The numbers were allegedly provided by Montgomery County Assistant State's Attorney (ASA) Robert Hill. ASA Hill confirmed that the numbers were not provided by this Department nor the Baltimore Police Department.

In consideration of the above, are you still desirous of the requested information?

Sincerely,

Mark Urbanik
PIA Coordinator



2A Maryland

2A@2AMaryland.org

December 2, 2020

Mr. Mark Urbanik
PIA Coordinator
Department of Maryland State Police
1201 Reisterstown Road
Pikesville, MD 21208

PUBLIC INFORMATION ACT REQUEST

Re: PIA 20-3412 1138359363 / "Ghost Guns" Confiscated in Maryland 2020 YTD

Dear Mr. Urbanik:

Thank you for your response to my recent Public Information Act request.

We pride ourselves on basing our positions on complete and accurate data from reliable sources rather than data from special interest groups seeking to justify a political agenda.

Any information you can provide regarding the source(s), existence and/or proliferation of so-called "ghost guns" in Maryland as well as their actual use in criminal activity will be appreciated by this organization.

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

Respectfully,

John H. Josselyn

Attachment: MSP Letter 11-19-2020

From: [Mark Urbanik -State Police-](#)
To: 2A@2amaryland.org
Subject: PIA 20-3412
Date: Wednesday, December 16, 2020 12:06:38 PM

RE: 20-3412
Ghost Guns

Dear Requester,

After speaking to the custodian of records concerning your request, I was asked to reach out to see if you could be more specific with your search parameters. Before you respond, please note that the Gun Center's search of records will be a manual, protracted and costly process. Also, **the term "Ghost Gun" is not recognized by the unit** and therefore will not appear in any potential findings. As such, there is concern by the custodian that any data provided will be of a subjective nature and the credibility would be in question. Lastly, responsive records that concern a pending investigation or pending criminal charge are non-releasable pursuant to MD law.

Please advise me as to how you would like to proceed. In return, you will be provided with an estimated processing fee that will need to be paid before the work begins.

.

Sincerely,



Mark Urbanik
Director, Management Analysis
Maryland Department of State Police
Headquarters / Planning & Research
1201 Reisterstown Rd
Pikesville, MD 21208
mark.urbanik1@maryland.gov
(410) 653-4253(O)
[Website](#) | [Facebook](#) | [Twitter](#)

From: [John H. Josselyn](#)
To: ["Mark Urbanik -State Police-"](#)
Subject: RE: PIA 20-3412
Date: Wednesday, December 16, 2020 4:02:07 PM
Attachments: image002.png

Dear Mr. Urbanik,

Thank you for your email.

In my original request I attempted to define the colloquial term "Ghost Gun" and acknowledged that there is as yet no legal definition for firearms manufactured after 1968 and which have never been inscribed with a serial number by the manufacturer.

Under current federal law, a firearm receiver blank which is intended for resale is not required to be serialized until its state of completion exceeds 80% of the final form. Thus, an incomplete (less than 80% completion) receiver blank is not a firearm and can be sold on the open market and completed by the consumer (presuming the consumer is not a prohibited individual) without a serial number. However, the consumer cannot resell or transfer the now complete firearm to another party because it now meets the definition of a firearm and lacks a serial number and no legal means exists to assign a serial number. Further, reselling a firearm built by a private individual is also illegal because that individual would now become a manufacturer in the eyes of federal law.

The same basic principles apply if a home hobbyist creates a firearm frame from scratch using a 3D printer.

In order to better address your question and avoid prolonging the process, I need to know the following:

1. Does the Department of State Police (or any other state agency) keep records on firearms manufactured after 1968 and which never had a serial number, i.e. completely homemade or completed from a receiver blank which was sold to the consumer in less than 80% state of completion.
2. Does the Department of State Police (or any other state agency) keep records on firearms which were given a serial number by the manufacturer and the serial number has been removed, obliterated or otherwise altered to render it impossible to trace the firearm?

Best regards,

JHJ

From: [Mark Urbanik -State Police-](#)
To: [John H. Josselyn](#)
Subject: PIA 20-3412
Date: Thursday, January 07, 2021 3:27:34 PM

RE: PIA 20-3412

Dear Mr. Josselyn,

In response to your original request regarding the request for reports and or data compiled or received from other law enforcement agencies I offer the following information in response: The Maryland State Police has not compiled any data or reports directly or indirectly related to the seizure of ghost guns.

MSP does, however, complete reports when a firearm is seized regardless of whether or not the serial number was removed or did not exist in the first place. The information from those reports is not readily compiled and would require a manual search of every record to determine if the firearm had a serial number or if it was a ghost gun. That cost was previously quoted at \$4,860.80. If you would like the MSP to attempt this manual search please let us know at your convenience.

Sincerely,



Mark Urbanik
Director, Management Analysis
Maryland Department of State Police
Headquarters / Planning & Research
1201 Reisterstown Rd
Pikesville, MD 21208
mark.urbanik1@maryland.gov
(410) 653-4253(O)
[Website](#) | [Facebook](#) | [Twitter](#)

18 U.S. Code § 923(I) - Licensing


- [U.S. Code](#)

- (i)

(i) Licensed importers and licensed manufacturers shall identify by means of a serial number engraved or cast on the receiver or frame of the weapon, in such manner as the Attorney General shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer.

Complete Federal Firearms Listings

Search Results

Year	Month	Complete Listing (.txt)	Complete Listing (.xlsx)	FFL Type By State (.pdf)
2021	Jan	Unavailable	Unavailable	 ffl_type_by_state_01-11-2021.pdf (44.55 KB)

[Search Again](#)

Federal Firearms License (FFL) Types

Type	Description
01	Dealer in Firearms Other Than Destructive Devices (Includes Gunsmiths)
02	Pawnbroker in Firearms Other Than Destructive Devices
03	Collector of Curios and Relics
06	Manufacturer of Ammunition for Firearms
07	Manufacturer of Firearms Other Than Destructive Devices
08	Importer of Firearms Other Than Destructive Devices
09	Dealer in Destructive Devices
10	Manufacturer of Destructive Devices
11	Importer of Destructive Devices

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https://www.atf.gov/firearms/listing-federal-firearms-licensees/state?field_ffl_date_value%5Bvalue%5D%5Byear%5D=2020&ffl_date_month%5Bvalue%5D%5Bmonth%5D=12&field_state_value=MD

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

Date: January 11, 2021

Page: 1 of 2

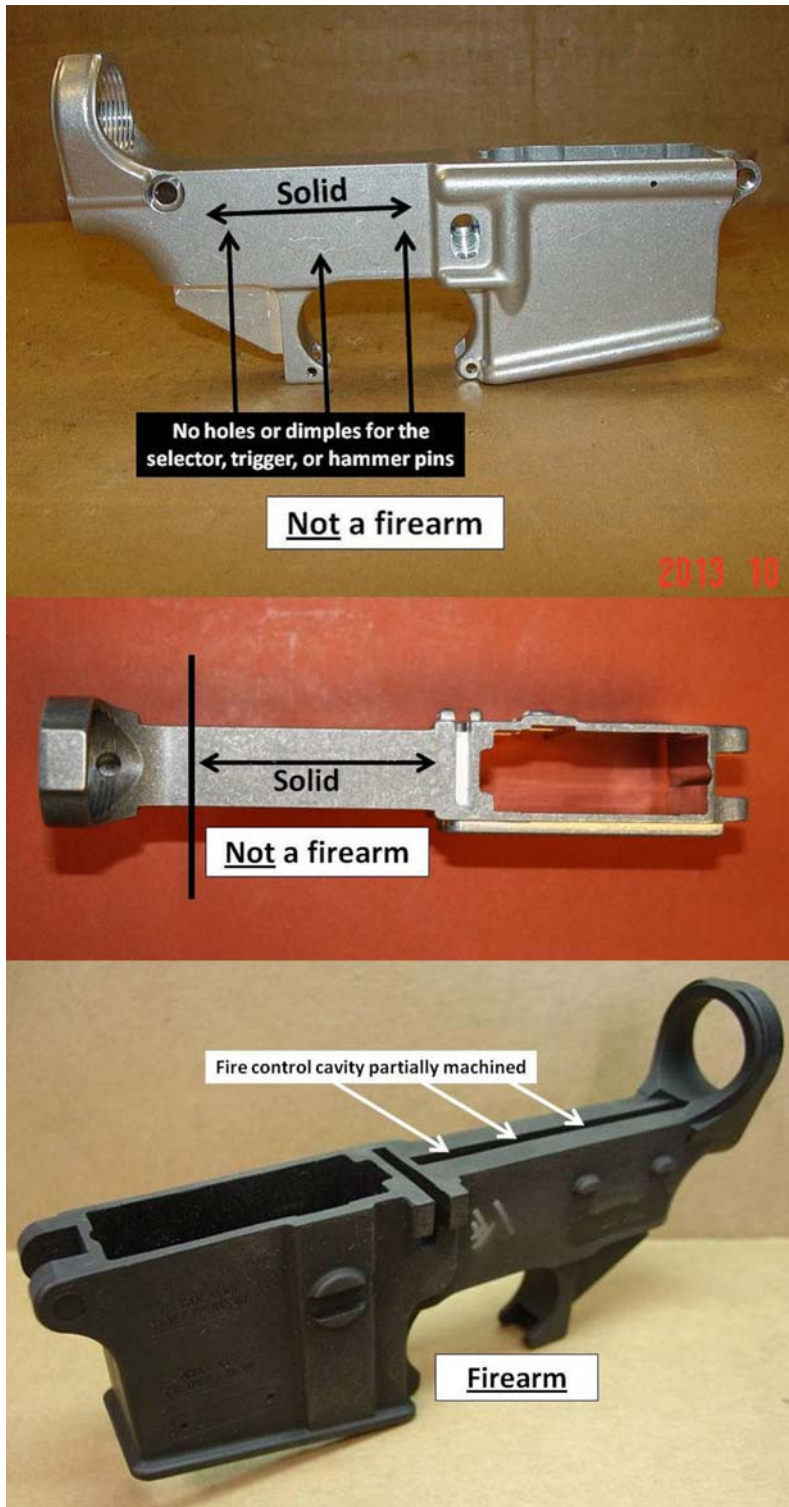
Report of Active Firearms Licenses - License Type by State Statistics

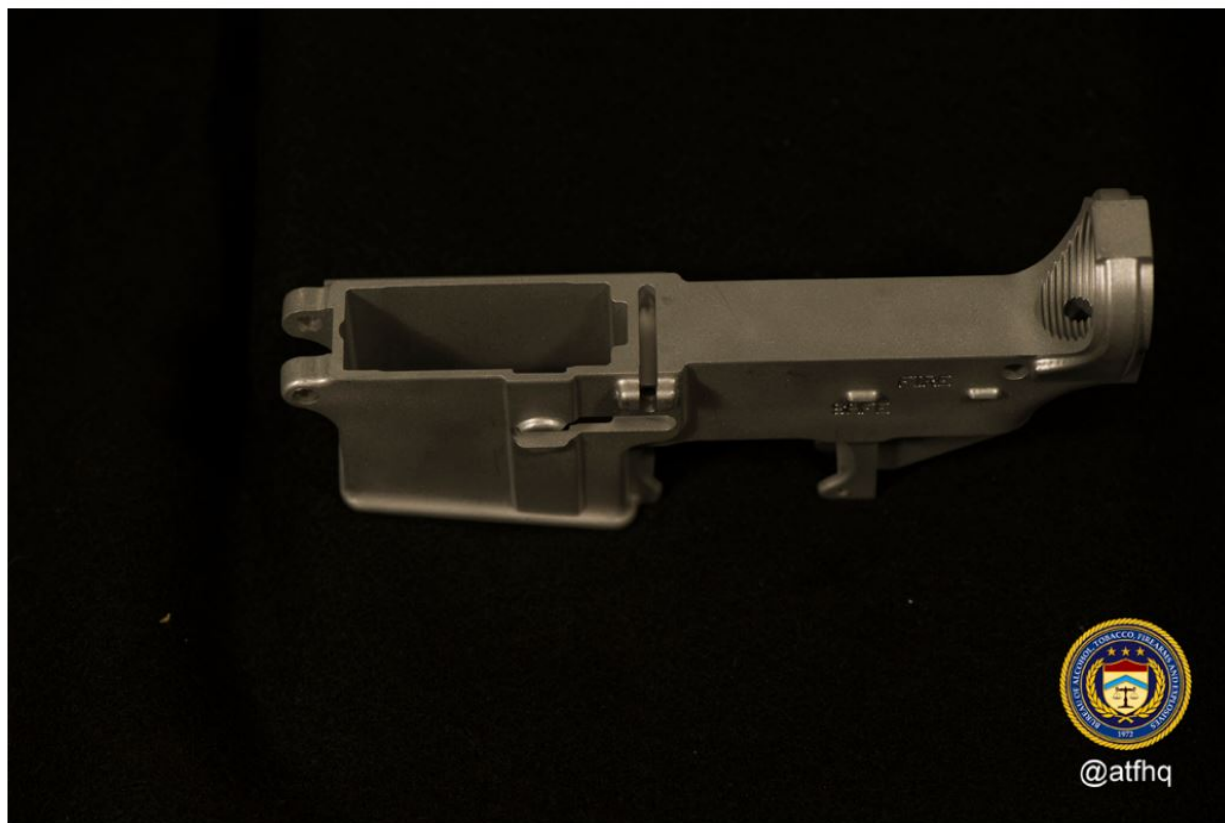
State	PA	01	02	03	06	07	08	09	10	11	TOTAL
AK	12	503	25	173	19	100	6	2	1	1	830
AL	51	860	247	696	38	255	21	3	14	10	2,144
AR	31	846	329	360	42	272	12	4	12	2	1,879
AZ	71	1,256	166	1,013	67	875	55	5	31	20	3,488
CA	197	1,823	89	6,047	64	531	77	8	17	10	8,666
CO	97	1,464	180	807	53	432	31	3	8	4	2,982
CT	10	417	16	1,112	11	181	25	1	5	2	1,770
DC	1	5	0	28	0	0	0	0	0	1	34
DE	8	123	5	175	3	9	2	3	0	0	320
FL	240	2,224	601	3,102	84	900	141	10	44	40	7,146
GA	122	1,306	497	1,137	64	463	31	3	10	6	3,517
GU	0	16	0	1	2	0	0	0	0	0	19
HI	8	97	0	119	1	10	0	0	0	0	227
IA	31	1,199	56	515	37	178	9	1	2	1	1,998
ID	35	721	118	297	37	333	18	1	4	2	1,531
IL	55	1,419	52	2,686	52	225	25	4	10	7	4,480
IN	89	1,294	97	1,043	33	255	14	2	6	2	2,746
KS	30	944	92	488	40	207	14	2	2	4	1,793
KY	50	1,063	306	610	23	192	17	2	7	6	2,226
LA	37	975	175	530	32	228	10	2	1	3	1,956
MA	19	334	0	3,340	10	236	12	1	10	3	3,946
MD	82	497	35	2,130	15	134	14	3	11	9	2,848
ME	9	420	53	295	14	93	6	0	4	2	887
MI	108	1,922	69	1,395	67	362	26	0	16	11	3,868
MN	48	1,299	85	762	29	226	18	1	7	7	2,434
MO	68	1,813	270	1,673	57	359	30	1	13	10	4,226
MP	0	3	0	0	0	0	0	0	0	0	3
MS	12	712	188	342	30	161	4	0	7	4	1,448
MT	21	840	101	260	53	217	23	1	5	0	1,500
NC	101	1,841	393	1,625	54	566	32	7	10	4	4,532
ND	13	465	23	164	8	38	5	0	0	0	703
NE	24	656	46	289	26	83	3	0	1	0	1,104
NH	16	375	7	581	15	171	19	0	7	4	1,179
NJ	8	304	0	110			14	1	2		

Are "80%" or "unfinished" receivers illegal?

Receiver blanks that do not meet the definition of a "firearm" are not subject to regulation under the [Gun Control Act \(GCA\)](#). ATF has long held that items such as receiver blanks, "castings" or "machined bodies" in which the fire-control cavity area is completely solid and unmachined have not reached the "stage of manufacture" which would result in the classification of a firearm according to the GCA.

The following three photos are provided as examples. The first receiver has a solid, un-machined fire-control cavity area with no holes or dimples for the selector, trigger, or hammer pins. It does not meet the GCA definition of a firearm. The second receiver, shown from the top, likewise has a solid, un-machined fire-control cavity area. It does not meet the GCA definition of a firearm. The third receiver has a partially machined fire-control cavity and does meet the GCA definition of a firearm.





Solid fire control cavity (top view)



Solid fire control cavity (side view)



Setup for drilling selector hole



Attaching first drilling template for fire control cavity



Attached milling template for fire control cavity



Removing material from fire control cavity with rotary tool



Milling material from fire control cavity



Various stages of completion (top view)



Various stages of completion (side view)

Art_Novotny_UNF_SB0624.pdf

Uploaded by: Novotny, Art

Position: UNF

Testimony of Art Novotny in OPPOSITION to SB0624

I got interested in building my own firearms too late. I bought one of the “unfinished receiver” kits a few years ago, and was really excited by the possibilities. I saw online what other people were doing and wanted to be inspired...while I realized legislation such as this was also looming (that’s why I say I got into it too late).

Building a functional firearm, even using mostly prefabricated components, is not simple or always successful. Right now, if an irreparable mistake is made somewhere in the process, the simple solution is to salvage the parts that can be reused, dispose of what cannot, and start over with a new blank kit. That would not be so simple if serial numbers and registrations are involved.

The worst part of this bill is the trying to regulate unfinished receivers. The kits, like the one I used, are not considered firearms by the BATF. They are parts, just like the any number of miscellaneous parts or accessories that most collectors have floating around (like car collectors tend to accumulate car parts that are not complete cars). Maybe it will get completed into something someday, maybe it will end up in the trash.

Furthermore, while I have not yet achieved this level of craftsmanship myself, there are others who construct their firearms completely from basic materials, like steel and welding rods from Home Depot. How or when does flat bar stock from Home Depot need to be serialized and registered before it is made into a firearm? I live and work on a farm, using metal for equipment repairs that could also be made into into firearms. Items like that just cannot be regulated.

People like my wife and I, collectors who have paid to be vetted by the HQL process, and are certified range safety officers have proven that we are not the type to go out and do bad things with guns. We know we cannot sell or give home built firearms to anyone (prohibited or not). Let us build our own, for ourselves.

I understand that we don’t want prohibited persons gaining access to firearms (homebuilt or otherwise), and I absolutely agree. But this bill will not change anything for prohibited persons. Let us put our legislative efforts into addressing the problems that lead to gun violence. The homebuilt firearm locked in my safe is not the problem.

Thank you for your consideration,
Art Novotny
District 7

Katie_Novotny_UNF_SB624.pdf

Uploaded by: Novotny, Katie

Position: UNF

Written Testimony of Katie Novotny in opposition of SB624

14 February 2021

I am a member of Multiple Gun Rights organizations. Maryland Shall Issue, Associated Gun Clubs, Maryland State Rifle and Pistol Association, and the National Rifle Association. I am a certified Range Safety Officer with the NRA. I compete in multiple shooting events such as Steel Challenge, 3-gun, small bore, and vintage military rifle matches. I am an avid firearms collector. I oppose SB624.

It has been legal to manufacture firearms for personal use for the entire history of this country. There are already numerous federal laws regarding these firearms. It is already illegal, federally, for a prohibited person to possess or manufacture a firearm. It is also already illegal to manufacture a firearm that is undetectable by a metal detector. (<https://www.atf.gov/firearms/ga/firearm-illegal-if-it-made-plastic>) What is the purpose of making these doubly illegal? Criminals have already proven they are able to obtain firearms in spite of the Firearms Safety Act of 2013 and every law passed before and since that bill went into effect. This bill will only affect hobbyists who manufacture firearms for their own enjoyment.

Getting into the meat of the bill, there are a number of unnecessary requirements that simply make this bill difficult to comply with. Regarding the engraving required, the model of the firearm or frame, if a designation has been made. Oftentimes individuals will be manufacturing their own firearm because one does not exist that meets the specifications that they desire. This can be subjective to whether or not it is acceptable to omit this information. Regardless, this information is not useful and serves no purpose. The caliber or gauge. Again, this serves no purpose aside from being a burden to have engraved. This information is not useful in tracking a firearm. The full legal name and city of the person possessing the firearm or unfinished frame. I have a very long name. So long in fact, that my Maryland driver's license has omitted letters in order to fit it onto my license. I am not alone in this. Some cities have very long names as well. How much space is reasonable to use to engrave this information? To follow federal laws, the letters must be 1/16 of an inch tall and engraved to a depth of .003 inches. This bill limits the number of places that this information may be placed. Furthermore, requiring this information to be placed on an unfinished frame or receiver is pointless. Depending on the completeness of this component, so much material may need to be removed that the entire outside surface area would be removed, removing this information. Additionally, the city of the person manufacturing the item could very quickly become outdated, so seems unnecessary to include. Names may be changed as well. Prior to 2012, I would have had a different name to engrave on a receiver.

The requirements to manufacture a firearm after Jan 1, 2022 are incredibly burdensome to hobbyists. Requiring a federally licensed manufacturer or importer to engrave the above information is simply not an acceptable option. A firearms manufacturer is not going to be willing to engrave information on a firearm that they did not import or manufacture. Also, if this is an item that has been entirely home built, perhaps starting life as a spool of 3D printer material, how is an individual supposed to transport this receiver to a manufacturer or importer to have this engraving done and not run afoul of this law?

Why not allow individuals to continue to engrave their own firearms as they are for firearms or receivers manufactured prior to this time?

“Covert firearm” is already allowed for by the ATF. These are considered “Any Other Weapon” and require a federal tax stamp and all of the background checks, fingerprinting, and the rest of the process that goes with that. This bill prohibits ownership of those items which are allowed for and controlled by federal law. Furthermore, it does not provide for any compensation for those items.

In 2019, the ATF reports that 9,465 firearms were recovered and traced in Maryland. This does not include any firearms that were not traced. <https://www.atf.gov/file/147101/download> That same year, 117 “ghost guns” were recovered. <https://www.baltimoremagazine.com/section/community/iron-pipeline-gun-violence-out-of-state-traffickers/> This is a very small percentage. This also does not differentiate between homemade firearms or those which have had their serial number removed. So yes, criminals are getting their hands on these items, just as they do any other item they wish to possess. Gun tracing also only gives limited information. A firearm may be linked to the state it was sold in when new, but how it ended up in a seizure, often many years later, is often a mystery. The ATF was even unable to trace their own guns from Operation Fast and Furious, and all of those firearms had serial numbers that the ATF knew.

This is yet another bill introduced under the flag of reducing crime. Ultimately it will be incredibly burdensome to hobbyists and law-abiding citizens participating in innocent behavior, while doing nothing to curb the violence that has been plaguing our communities. If passed into law, it will never be revisited to measure its effectiveness. It will never be amended or repealed when it is found to be completely ineffective. Instead, the law-abiding firearms community will take the punishment for crimes they have not committed. The violence we all wish to stop needs reform that goes much deeper than this. Hard choices need to be made to fix the generations of mistrust. Laws like this are what gave us Baltimore’s Gun Trace Task Force, and it is clear how poorly that worked out.

Finally, this is a bill that criminals simply will ignore. How will this be enforced? How will you force criminals to engrave a receiver? Bottom line is they will continue to ignore yet another law.

Because of these reasons above, I request an unfavorable report.

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MSI Testimony on HB 638 and SB 624 final.pdf

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February 17, 2021

WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN OPPOSITION TO HB 638 and SB 624

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is an all-volunteer, non-partisan organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of Maryland and of the Bar of the District of Columbia. I recently retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland firearms law, federal firearms law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License (“HQL”) and a certified NRA instructor in rifle, pistol, personal protection in the home, personal protection outside the home and in muzzle loader. I appear today as President of MSI in opposition to HB 638 and SB 624.

These Bills

Covert guns: The bills would ban “COVERT FIREARMS,” which are defined as A FIREARM THAT IS CONSTRUCTED IN A SHAPE OR CONFIGURATION THAT A REASONABLE PERSON WOULD NOT IMMEDIATELY RECOGNIZE TO BE A FIREARM.” The bills would also ban “UNDETECTABLE FIREARMS,” which is defined by reference to an undefined “security exemplar,” or by reference to those firearms which cannot be detected by an x-ray machine “COMMONLY USED AT AIRPORTS.”

Serial numbers: Next, the bills would enact a whole regulatory system for regulating a “unfinished frame or receiver” which the bills define as “A PRODUCT THAT IS INTENDED OR DESIGNED TO SERVE AS THE FRAME OR RECEIVER, INCLUDING THE LOWER RECEIVER, OF A FIREARM, BUT IS IN AN UNFINISHED STATE OF MANUFACTURE,” including a “BLANK CASTING, OR MACHINED BODY THAT REQUIRES MODIFICATION, SUCH AS MACHINING, DRILLING, FILING, OR MOLDING, TO BE USED AS PART OF A FUNCTIONAL FIREARM.” The bills provide that after January 1, 2022, a person “MAY NOT POSSESS A FIREARM OR AN UNFINISHED FRAME OR RECEIVER THAT HAS NOT BEEN MARKED” in accordance with the standards specified in the bills. The bills would further provide that, on or after January 1, 2022:

(1) A FIREARM OR AN UNFINISHED FRAME OR RECEIVER SHALL BE MARKED IN ACCORDANCE WITH SUBSECTIONS (A) AND (B) OF THIS SECTION BY A FEDERALLY LICENSED FIREARMS MANUFACTURER BEFORE THE FIREARM OR UNFINISHED FRAME OR RECEIVER IS SOLD, OFFERED FOR SALE, OR TRANSFERRED IN THE STATE;

(2) A FIREARM OR UNFINISHED FRAME OR RECEIVER SHALL BE MARKED IN ACCORDANCE WITH SUBSECTIONS (A) AND (B) OF THIS SECTION BY A FEDERALLY LICENSED FIREARMS IMPORTER BEFORE THE FIREARM OR UNFINISHED FRAME OR RECEIVER IS IMPORTED OR OTHERWISE BROUGHT INTO THE STATE;

(3) A FEDERALLY LICENSED FIREARMS DEALER MAY NOT SELL, OFFER TO SELL, OR TRANSFER A FIREARM OR AN UNFINISHED FRAME OR RECEIVER THAT HAS NOT BEEN MARKED IN ACCORDANCE WITH SUBSECTIONS (A) AND (B) OF THIS SECTION;

(4) A FEDERALLY LICENSED FIREARMS DEALER, FEDERALLY LICENSED FIREARMS MANUFACTURER, AND FEDERALLY LICENSED FIREARMS IMPORTER SHALL MAINTAIN A RECORD LOG OF ANY SALE OR TRANSFER OF A FIREARM OR AN UNFINISHED FRAME OR RECEIVER AS REQUIRED BY FEDERAL LAW AND REGULATION;

A. Homemade Guns Are Rarely Used In Crime And Existing Owners Are Law-Abiding Hobbyists, Not Criminals

These new provisions, if enacted, would burden and penalize a harmless activity that has been perfectly legal under federal and state law for the entire history of the United States, *viz.*, the manufacture of homemade guns for personal use. Under Federal law, a person may legally manufacture a firearm for his own personal use. See 18 U.S.C. § 922(a). However, “it is illegal to transfer such weapons in any way.” *Defense Distributed v. United States*, 838 F.3d 451, 454 (5th Cir. 2016). This manufacture “involves starting with an ‘80% lower receiver,’ which is simply an unfinished piece of metal that looks quite a bit like a lower receiver but is not legally considered one and may therefore be bought and sold freely. It requires additional milling and other work to turn into a functional lower receiver.” (Id).

Manufacturing an “80% lower” into a “functional lower receiver” is not a trivial process. It takes machine tools, expertise and hours of time. Miscues are common and, when made, essentially convert the “80% lower” into scrap. Individuals who undertake this process are hobbyists. Even after the receiver is successfully made, the owner would still have to purchase the additional parts, such as a barrel, the trigger, slide and all the internal parts to complete the assembly. All these additional parts are expensive. With the cost of the tools to mill the receiver, plus the cost of the parts, a final assembled homemade gun costs **more to make than** it would to actually buy an identical gun from a dealer.

The complexity of this process has been pointed out in court filings by the ATF and the U.S. Department of Justice. For example, in *State of California v. BATF*, No. 20-cv-0761 (N.D. Cal.), the Department of Justice and the ATF explained:

An unfinished receiver that has not yet had “machining of any kind performed in the area of the trigger/hammer (fire-control) recess (or cavity),” see ATF Firearms Technology Branch Technical Bulletin 14-01 (“Bulletin 14-01”), filed in *Calif. Rifle and Pistol Ass’n v. ATF*, Case No. 1:14-cv-01211, ECF No. 24 at 285 (E.D. Cal. Jan. 9, 2015), requires that numerous steps be performed simply to yield a receiver, that then in turn must be assembled with other parts into a device that can expel a

projectile by the action of an explosive. These milling and metalworking steps—each of which require skills, tools, and time—include: 1) “milling out of fire-control cavity”; 2) “drilling of selector-lever hole”; 3) “cutting of trigger slot”; 4) “drilling of trigger pin hole; and 5) “drilling of hammer pin hole.” Compl. Ex. 9. Importantly, ATF will treat any “indexing”—the inclusion, in the receiver blank, of visual or physical indicators regarding the two-dimensional or three-dimensional parameters of the machining that must be conducted—as rendering the receiver blank a firearm. See Compl. Ex. 12; Ex. 13; Shawn J. Nelson, *Unfinished Lower Receivers*, 63 U.S. Attorney’s Bulletin No. 6 at 44-49 (Nov. 2015) (“Nelson, Unfinished Receivers”), available at: <https://go.usa.gov/x7pP3>. This prevents the makers of receiver blanks from annotating the blank to instruct the purchaser as to the precise measurements needed, in three dimensions, to “excavate the fire control cavity and drill the holes for the selector pin, the trigger pin, and the hammer pin.” Nelson, *Unfinished Receivers*, at 47. The need to conduct these machining steps from scratch, without indexing, and “carefully” means a working gun cannot be produced “without difficulty.” *Id.* And the work to excavate the cavities and drill holes in a solid, unmachined substrate requires care rather than speed to avoid doing so raggedly or in the wrong area. See *id.* Therefore, the receiver cannot be completed “without delay,” even leaving aside the further assembly with many other parts needed to have a weapon that can expel a bullet by explosive action. A receiver blank therefore may not “readily be converted” into a firearm.

Federal Defendants’ Notice Of Motion And Motion To Dismiss Plaintiffs’ Complaint For Declaratory And Injunctive Relief, at 16-17 (filed Nov. 30, 2020).

B. These Bills Would Do Nothing To Prevent Or Deter Criminals From Acquiring Guns While Penalizing Existing, Law-Abiding Owners

1. The Bills would not stop criminals.

The bans imposed by these bills would also not stop any person from actually acquiring “80% lowers” or the other parts necessary to manufacture firearms. Such items are not “firearms” under Federal law and thus are not regulated by Federal law. These “80% lowers” and other parts are thus available all over the United States, including over-the-counter, on-line and by mail order. Unfinished frames or receivers would remain available in other states, even if these bills should become law and were perfectly enforced 100% of the time.

Accordingly, nothing in all the bans imposed by this bill would or could actually stop any criminal or disqualified person from acquiring all the hardware necessary to make his own gun, including the 80% lower, simply by driving to another state. A disqualified person or criminal would not be deterred by these bills because such a disqualified person is **already** precluded by Federal law from possessing **any** modern firearm or modern ammunition of **any** type. 18 U.S.C. § 922(g). Actual or constructive possession of a modern firearm or ammunition by a person subject to this firearms disability is a felony, punishable by up to 10 years imprisonment under Federal law. See 18 U.S.C. § 924(a)(2). The same disqualification and similar punishments are also **already** imposed under existing Maryland law. See MD Code, Public Safety, § 5-101(g)(3), § 5-133(b)(1), § 5-205(b)(1). Simple actual or constructive possession of a receiver **alone** (an “81% receiver”) would be sufficient to constitute a violation of these existing laws, as a receiver **alone** is considered a “firearm”

under both Maryland and Federal law. Making possession “**more** illegal” in these bills simply penalizes innocent, law-abiding hobbyists and gun enthusiasts who have done nothing wrong.

In contrast, if this bill became law, few existing, otherwise law-abiding owners of these homemade guns will know or realize that possession of their existing firearms or unfinished frames has been banned. Actual compliance by existing owners will thus likely be virtually non-existent. In short, these bills are utterly **pointless** as a public safety measure. It would succeed only in penalizing otherwise law-abiding hobbyists. That result is not sound public policy.

2. The ban on undetectable firearms is redundant of Federal law and unnecessary

Similarly, current Federal law also makes it unlawful to “manufacture, import, sell, ship, deliver, possess, transfer, or receive” any firearm that is not “detectable” by a “Security Exemplar” or any “major component” of which does not show up accurately on airport x-ray machines. See 18 U.S.C. § 922(p). A knowing violation of that prohibition is a federal felony, punishable by five years of imprisonment and a fine. See 18 U.S.C. § 924(f). As a practical matter, in order to function as such, a firearm must have a metal barrel and a metal firing pin, at the very least. Both of these items would easily satisfy the requirement of being detectable by a Security Exemplar as firearm component. See Section 922(p)(2). The ammunition for any such firearm would likewise be detectable.

More fundamentally, the idea that a person could produce a usable, undetectable firearm is far-fetched. Indeed, actually firing such a firearm could be extremely dangerous **to the user**. For example, a standard 9mm handgun round generates around 34,080 pounds per square inch of pressure in the chamber upon firing. <https://www.gunnuts.net/2009/04/03/9mm-nato-vs-9mm-luger/>. No undetectable plastic barrel can safely and reliably stand up to those kinds of pressures. In short, firing an undetectable gun with a plastic barrel is akin to playing Russian roulette by the user. See <https://bit.ly/3jOmd2D> (an ATF video showing 3-D printed guns exploding when fired). The ban imposed by these bans on undetectable firearms is simply a solution in search of a problem that does not exist in the real world, much less on the streets of Maryland. Groundless fears should not be the basis of public policy, especially where Federal law already imposes a nationwide ban on any such devices.

3. The ban on covert firearms penalizes possession permitted by Federal law

Finally, the bills ban on covert firearms illegalizes weapons that have long been tightly regulated under Federal law. Specifically, as codified in 26 U.S.C. § 5845(e), the National Firearms Act of 1934, “covert” weapons are classified as “any other weapon,” a concealable weapon from which a shot can be discharged through the energy of an explosive, other than a pistol or a long gun with a rifled bore. See *Davis v. Erdmann*, 607 F.2d 917, 919 (10th Cir.1979) (implicitly assuming that a combination knife/pistol that could fire a .22 short cartridge was within the definition of any other weapon); *United States v. Ordner*, 554 F.2d 24, 26 & n. 3 (2d Cir.) (a “pen gun,” which it described as a device made from the triggering mechanism of a flare gun attached to a machined barrel, was “any other weapon”), *cert. denied*, 434 U.S. 824 (1977); *United States v. Cheramie*, 520 F.2d 325, 333 (5th Cir.1975) (affirming a conviction based on possession of an unregistered pen gun); *Moore v. United States*, 512 F.2d 1255, 1256 (4th Cir.1975) (sawed off shotgun could be any other weapon);

United States v. Coston, 469 F.2d 1153, 1153 (4th Cir.1972) (a flare gun capable of firing shotgun shells was any other weapon). Any person must, **prior to taking receipt or possession** of such a weapon, register the weapon with the ATF, pay a tax and submit to an in depth background conducted by the ATF. See 26 U.S.C. § 5841, 26 U.S.C. § 5811(a), and 27 C.F.R. § 479.101. All responsible persons seeking to possess one of these times must complete the ATF Form 5320.23 with photo attached and provide two FD-258 fingerprint cards in order to initiate the required background check. See ATF Final Rule 41F (Jan. 4, 2016), available at <https://www.atf.gov/rules-and-regulations/final-rule-41f-background-checks-responsible-persons-effective-july-13>. The mere receipt or possession of an unregistered “any other weapon” is a federal felony. See 26 U.S.C. § 5861(d). That felony is punished with up to ten years in prison and a \$10,000 fine. See 26 U.S.C. § 5871. Any such unregistered firearms are subject to forfeiture under 26 U.S.C. § 7302. Again, any such conviction disqualifies that person from ever possessing any modern firearm or modern ammunition for life.

As is apparent, the bans imposed by these bills on “covert firearms” is utterly unnecessary as they are already effectively banned by Federal law. Persons willing to commit a federal felony will not be deterred by these bills. Even worse, the bills inflict harm on the law-abiding as the bills would penalize persons, such as collectors, who have jumped through all the hoops imposed by the ATF and the National Firearms Act of 1934 in order to possess these items. Under these bills, mere possession of a covert firearm is punished without regard to the legality of that possession under Federal law. We can think of no valid public safety rationale that would support that result. At a minimum, the bills should be amended to exempt such persons from the requirements imposed by these bills. See MD Code, Public Safety, § 5-203(a)(2) (banning the possession of short-barreled rifles or shotguns, **unless** “the short-barreled shotgun or short-barreled rifle has been registered with the federal government in accordance with federal law”).

C. The Bills Impose Impracticable Requirements

The bills require that existing owners of perfectly legal lower receivers or frames mark these with markings that includes that model, caliber, the “full legal name” of the owner, his city” and that these markings be conspicuously and permanently etched or engraved or cast. The bills specifically require that these markings meet the requirements of 18 U.S.C. § 923(i). Those requirements are both expensive and quite difficult to meet for a large number of frames. First, federal regulations concerning Section 923(i) (incorporated by these bills) require that the markings required by Section 923(i) must be to a minimum depth of .003 inches and in a print size no smaller than 1/16 inches and “must be placed in a manner not susceptible of being readily obliterated, altered, or removed.” 27 C.F.R. §478.92(a)(1).

Existing manufacturers of polymer frames, such as Glock and Sig Sauer, use a metal plate inserted into the frame or use the internal metal assembly to mark the serial number. Many unfinished polymer receivers that existing owners may possess simply lack such a plate or internal assembly. For those owners, it is nearly impossible to perform all the engraving required by these bills on the frame or receiver. For example, using an ordinary engraving tool could melt the polymer and destroy the frame. The average owner also has no way to be sure that the requirements of Section 923 and Section 478.92(a)(1) are satisfied. For example, if the required information is etched to the depth of .002 inches or if engraved slightly smaller than 1/16 of an inch, the owner would be in violation of these bills.

Yet, equipment to perform this sort of extremely precise engraving costs **thousands of dollars** to acquire. Those costs are out of reach of the ordinary person. And without access to such equipment no person can reasonably comply with these requirements.

The requirements of the full legal name and city of the owner are likewise unreasonable. These requirements actually go beyond that specified by federal regulations that implement Section 923. Specifically, federal ATF regulations, 27 C.F.R. 497.92(a)(1)(ii)(C) require, for a domestically made firearm, “your name (**or recognized abbreviation**)”. In contrast, these bills require the “full legal name” and that term is normally defined as the first name, middle name and last name. See <http://bit.ly/3aWmdJG>. People with long names simply are not allowed to abbreviate their names under these bills. The bills also require, along with the full legal name, the name of the owner’s city, which likewise may be quite long, such as Chesapeake Beach, Chevy Chase Section 3, and Fairmount Heights. All of these names must be placed on the frame or receiver under these bills. In contrast, federal regulations allow the manufacturer to use a “recognized abbreviation” for a city and allows information to be “engraved, casted, stamped (impressed) or placed on the frame, receiver **or barrel**. See Section 497.92(a)(1)(ii). For example, the Sig Sauer newest Model M-17 pistol engraves the model and serial number on the metal trigger assembly inserted into the polymer frame, but engraves the caliber on the barrel. Such placement, abbreviations and use of the **barrel** are not allowed under these bills.

Under these bills, all of this information must be “engraved, cast, or stamped on the firearm frame or receiver or unfinished frame or receiver” along with the model of firearm as well as the caliber or gauge. There may simply be not enough room on the metal plates supplied with some receivers, such as the Polymer 80, a Glock SS80 and the GST-9. Indeed, if the unfinished receiver is first engraved in the manner required by these bills and is later finished into a completed firearm, the bills would arguably require the owner to go back and add the caliber and model if these items were not previously designated for the unfinished receiver. That could likewise prove quite impracticable if not impossible. Fitting the required information onto the plate becomes **especially** impossible on receivers that are brought into the State from elsewhere after January 1, 2022, as the bills require roughly double the amount of information be engraved on those receivers. See attached illustrated testimony of Andrew Starr Raymond, Co-Owner – Engage Armament LLC, of Rockville, MD.

These extremely technical requirements are both traps for the unwary as well as unnecessary. The apparent purpose of requiring this information is to identify the owner of the homemade firearm, should the firearm be recovered at a scene of a crime. Law enforcement agencies do not need anything other than the owner’s name in order to do that. The caliber and model of the gun is simply certainly not necessary for that purpose. If law enforcement has the name of the owner, it will not be a difficult task to track down that person without having the full city name. Certainly, the police will not need the “full legal name,” including the full middle name of the owner. In the rare case in which tracing is conducted, such tracing can be accomplished with just the first and last name.

D. The Bills Are Overbroad.

The bills define an “unfinished frame or receiver” to mean “a product that is **intended** or **designed** to serve as the frame or receiver, including the lower receiver, of a firearm, but is in an unfinished state of manufacture.” The bills also define “unfinished frame or receiver” as including (but is not limited to) “a blank, casting, or machined body that requires modification, such as machining, drilling, filing, or molding, to be used as part of a functional firearm.” These definitions are overbroad and ambiguous.

First, the definitions leave unanswered the question of “intended” by **whom**: Is it the manufacturer or the end user? An example illustrates the point. Under these definitions, the bills could require engraving and impose a ban on possession of a “zero percent receiver”



(a solid block of aluminum) sold as such. **See e.g.:** And that would be true even though the person in mere **possession** of this block of solid aluminum intended to use it as a paper weight or a book end or simply as a means to illustrate the absurdities of Maryland gun laws. The bills would likewise penalize a person who was utterly unaware that the block was originally sold as a “zero percent receiver” to someone, including perhaps someone far up the chain of possession for that particular block of aluminum. In short, the reach of the bills is overbroad. At a minimum, the bills should be amended to clarify the ambiguity. As the Maryland Court of Appeals has stressed, the General Assembly has an “obligation to establish adequate guidelines for enforcement of the law.” *Ashton v. Brown*, 339 Md. 70, 88, 660 A.2d 447, 456 (1995).

Stated differently, these bills contain no *mens rea* requirement and thus impose strict liability for simple possession (or constructive possession) without regard to the owner’s actual intent. In contrast, Federal law requires that the person **knowingly** possess an undetectable firearm of the type covered by 18 U.S.C. § 922(p). See 18 U.S.C. § 924(f) (imposing punishment for “a person who knowingly violates section 922(p)”). Yet, these bills contain no such *mens rea* requirement. That intent requirement is part and parcel of federal gun control law. See, e.g., *Rehaif v. United States*, 139 S.Ct. 2191 (2019) (holding that the “knowingly” requirement on the federal ban on possession of a firearm by an illegal alien required proof that the alien actually knew that he was illegally in the United States). This sort of *mens rea* requirement is also part of Maryland law. See, e.g., *Chow v. State*, 393 Md. 431 (2006) (holding that a violation of a Maryland statute making it unlawful for a person who is not a regulated gun owner to sell, rent, transfer, or purchase any regulated firearm without complying with application process and seven-day waiting period requires that a defendant knows that the activity they are engaging in is illegal).

It is no answer to these concerns that the bill imposes a civil penalty for the first offense, as the fine for the first offense is severe, *viz.*, “**not less** than \$1,000 but not exceeding \$2,500.” Subsequent possession of a block of aluminum would be a second offense and that could result in two years of imprisonment and a \$5,000 fine. Yet, such punishments for otherwise innocent possession is completely senseless. These penalties could be imposed **even though** it would take substantial expertise and a very sophisticated milling machine costing in the neighborhood of \$30,000 to convert that block of aluminum into an 80% receiver, not to mention the *additional* milling that would be required to convert it into an actual **finished** receiver. Additional assembly of more parts (a barrel, a trigger, a slide and associated springs and parts) would then be necessary to convert that finished receiver into something that could actually fire a round of ammunition. As the Supreme Court stated in *Rehaif*, it is a “basic principle that underlies the criminal law, namely, the importance of showing what Blackstone called ‘a vicious will.’” *Rehaif*, 139 S.Ct. at 2196, quoting 4 W. Blackstone, Commentaries on the Laws of England 21 (1769).

E. The Bills Impose Heavy Costs On The Maryland State Police To Conduct Truncated Background Checks And Issue HQLs

This bill amends MD Code Public Safety, § 5-101(r) to specifically designate a “receiver” as defined in these bills, to be a “regulated” firearm under Maryland law. Such a designation will have a huge impact on the Maryland State Police. Under existing Maryland law, MD Code, Public Safety § 5-117, “[a] person must submit a firearm application in accordance with this subtitle before the person purchases, rents, or transfers a regulated firearm.” Under MD Code, Public Safety, § 5-118, as implemented by the State Police, such an applicant must fill out a State Police form, called a Form 77R, in order to purchase a regulated firearm and pay a \$20 processing fee. The State Police use the information on that form to conduct a background check on the sale of the regulated firearm using the Federal NICS database and various state databases. See MD Code, Public Safety, § 5-124; COMAR 29.03.01.16. See also Maryland State Police Advisory LD-FRU-19-002 (Dec. 18, 2019). Under this statutory scheme, State and Federal Firearms Licensees (“FFLs”) **are not allowed** to conduct any background checks for any regulated firearm sold in Maryland, but instead are **required** to rely solely on the State Police to do the background checks and approve the purchase.

This background check system breaks down for receivers that do **not** meet current ATF standards for being a “receiver” under Federal law, such as 80% lowers, that these bills would newly designate as “regulated” firearms. Stated simply, the State Police are legally prohibited from conducting federal NICS checks on the sale of items that are not firearms under Federal law. The NICS system is run by the FBI, as required by the Brady Handgun Violence Prevention Act of 1993, codified at 18 U.S.C. § 922(t). <https://www.fbi.gov/services/cjis/nics>. The Maryland State Police is a FBI-approved, Point of Contact agency for NICS checks for handgun sales in Maryland. <https://www.fbi.gov/file-repository/nics-participation-map.pdf/view>. Handguns are, of course, also “regulated” firearms under Section 5-101(r). Thus, for handgun sales by a dealer, the Maryland State Police serve as the sole Point of Contact for purposes of contacting the FBI for a NICS check on a dealer sale of a regulated firearm.

The federal NICS system may be used to institute a background check **only** on actual transfers of firearms **that are regulated by the Brady Act**. Federal regulations are quite explicit on that point. 28 C.F.R. 25.6(a) provides that “FFLs may initiate a NICS background check only in connection with a proposed firearm transfer as required by the Brady Act. FFLs **are strictly prohibited** from initiating a NICS background check for any other purpose.” (Emphasis added). Similarly, the Federal Firearms Licensee Manual issued by the FBI states that an FFL is never authorized to utilize the NICS for employment or other type of non-Brady Act-mandated background checks. See 27 C.F.R. 478.128(c) (“Any * * * licensed dealer * * * who knowingly makes any false statement or representation with respect to any information required by the provisions of the Act * * * under the Act or this part shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.”).

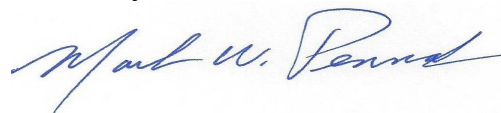
The same rule applies to a State which serves as a Point of Contact for purposes of accessing the NICS system. A State or a FFL that requests a NICS check not authorized by Federal law is subject to a \$10,000 fine **and a termination of access to the NICS system**. 28 C.F.R. § 25.11. Termination of such NICS access would, of course, gut the ability of the Maryland State Police to conduct full background checks on sales of any regulated firearm (including handguns). Termination of access would also bar the State Police from doing NICS background checks for the Handgun Qualification License under MD Code, Public Safety § 5-117.1, and issuing a wear and carry permit under MD Code, Public Safety, § 5-306, as otherwise permitted by Federal law. See 28 C.F.R. § 25.6(j).

In short, the FBI and Federal law will not permit FBI resources and the NICS system to be commandeered to do a background check that is not authorized by Federal law. Eighty percent lowers and other unfinished receivers, as defined by these bills, are simply not “receivers” under Federal law and are thus not firearms under Federal law. That means that the State Police may NOT, under any circumstances, conduct a NICS check on the sale of “receivers,” as defined by these bills. Thus, by deeming these receivers to be “regulated” firearms under Section 5-101(r), the bills essentially are commanding the State Police to expend considerable resources to conduct a background check that **is limited** to State databases only. The burden on the State Police is made even greater because the bills also amend MD Code, Public Safety, § 5-117.1, to require a person to have Handgun Qualification License, issued by the State Police, to purchase or receive an unfinished receiver. The fiscal impact on the State Police by these bills will be substantial to little point.

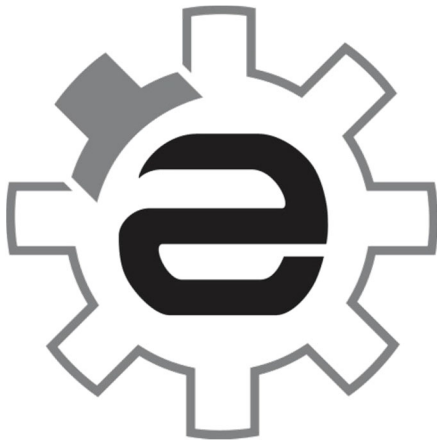
CONCLUSION

Given all the problems, detailed above, the bills have obviously not been fully thought out. For all these reasons, we strongly urge an unfavorable report.

Sincerely,



Mark W. Pennak
President, Maryland Shall Issue, Inc.
mpennak@marylandshallissue.org



ENGAGE ARMAMENT, L.L.C.

701 E. GUDE DRIVE, STE 101, ROCKVILLE, MD 20850 301-838-3151

WRITTEN TESTIMONY OF ANDREW RAYMOND, OWNER OF ENGAGE ARMAMENT LLC, AGAINST HOUSE BILL 638

To Whom It May Concern,

My name is Andrew Raymond, and I am the co-owner of Engage Armament LLC, a federally licensed firearms manufacturer who has been in business for 11 years. I am a lifelong Maryland resident, and my family has been in Maryland on both sides for at least 337 years.

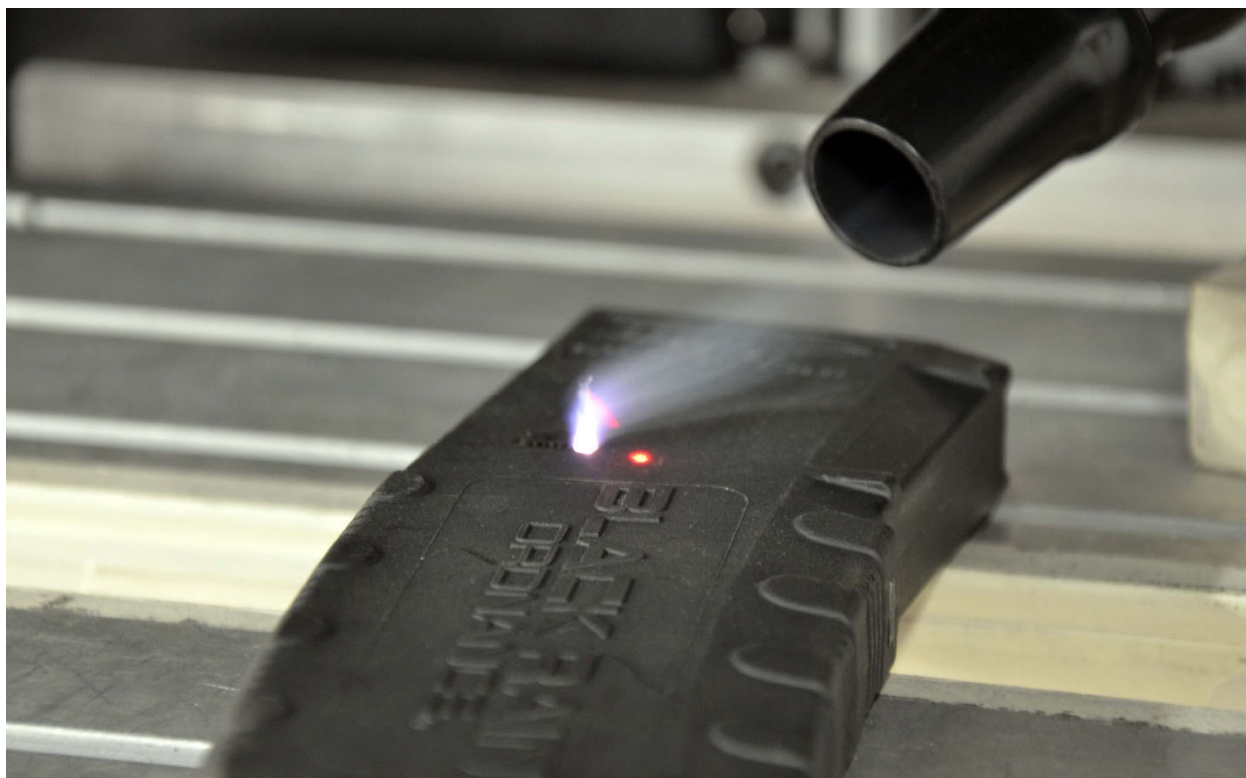
Part of firearm manufacturing is engraving the ATF required information on a firearm. I would say we have become experts on firearm markings over the past years and have invested more than \$75,000 in firearm marking equipment to not only comply with the federal regulations but also to have the most advanced equipment to do so. Our main tool is a 60W fiber laser made entirely in the United States.

From both the cost and technical implications, there are a multitude of issues with this bill.

The cost of getting quality equipment to do the job effectively. As mentioned early, we spent quite a bit of money getting quality equipment, but even cheap imported equipment to mark metal will cost at least \$7,000 and do a poor job of doing so, especially considering depth and permanency of the engraving.

The cost to the consumer will also increase significantly. For example, presently for NFA engraving we charge \$45 which is the basic requirement of name/city/state under the National Firearms Act. This bill requires individuals to have their information engraved along with serial number, model AND after 1st January 2022 the manufacturers and "importers" info. This is substantially more required markings; therefore costs are going to quite high. For example, if I need to mark the info of the person who made the forging, plus my own info, and the gun information that could easily run \$90 or more. That is on an item that would normally cost about \$50 for an AR forging. I should also mention that I did ask for friends/acquaintances who I knew built their own firearms for a brief rundown of the numbers of items they may have. It appears most people who enjoy this hobby have many items that would fall under this bill. For example, engraving 5 items at \$90 per engraving would cost \$450. Many of these people are on the younger side, and in our current economy might not be able to afford compliance with the bill.

The other issues are technical. The first to be the actual act of marking the "receivers". Generally, these "receivers" are made either out of metal or polymer. Polymer has a great deal of variance to it and engraving settings from one type of polymer will catch another set on fire:

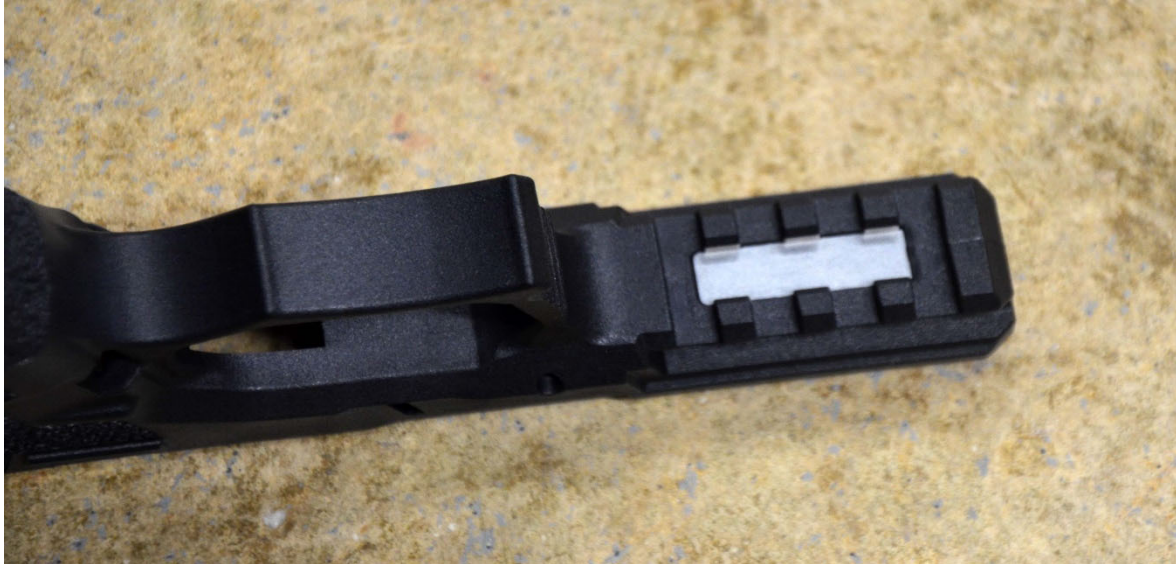


Here you can see a magazine catching fire using the settings from a known German polymer on this unknown polymer. The result is:

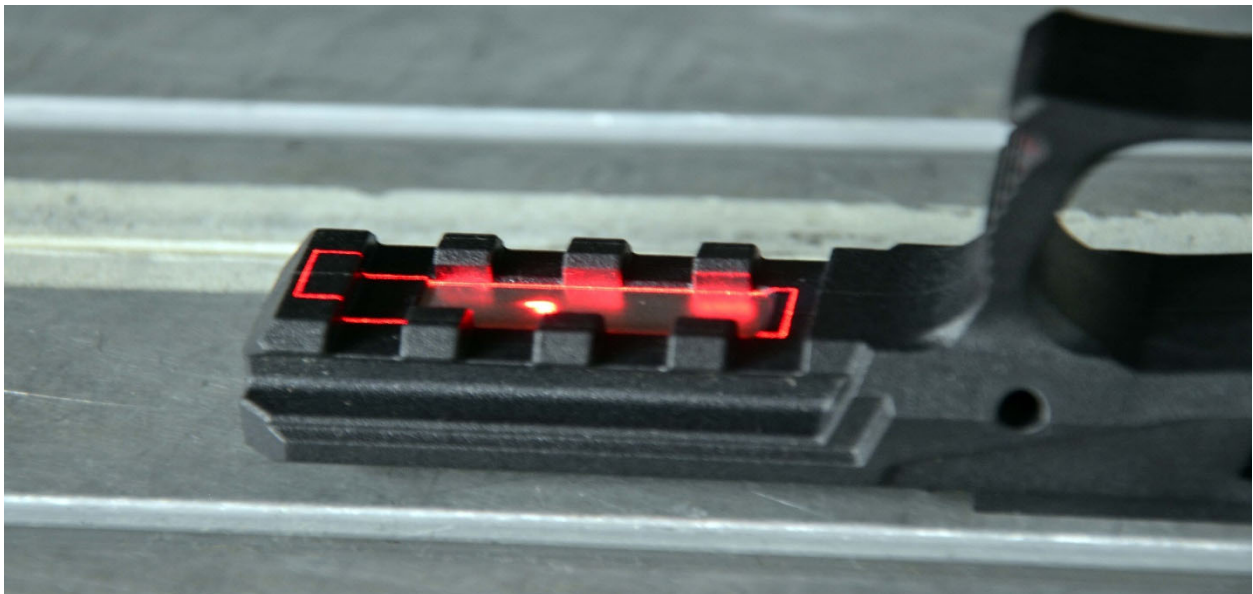


This marking is not legible and would not be compliant. Not to mention most people would now consider the product destroyed.

The next technical issue is sizing. While a metal “receiver” has a multitude of places to pollute with engravings, a good percentage of these products are polymer. A good example of the sizing issue would be the Polymer 80 “receivers” which are probably the most common plastic hobby “receivers” we see. These have a small metal piece imbedded in the polymer specifically for engraving purposes:



This small metal piece usually gives us only enough space for a serial number. In fact, to add the requirements from this law would require us to bring the size down to the point where it would not be compliant or readily legible. The below picture is a laser overlay of the space required for compliant sized markings using my personal information:



As you can see, the required engraving cannot fit in the supplied space. Once again, this is using my personal info as required under the law.

We should also consider required markings of original manufacturer and seller/importer into the state. This would double the space requirement and would not be feasible to do. Shrinking the size would not be compliant/legible either. The below is an example of that information at the minimum compliant size:



In order to fit only one set of the required markings my information must be shrunk to .055 which is not compliant. In the below picture, that is the 3rd example:



Another issue is going to be the length of the individual's name. For example, one of our customers is named "Ad***** Ra***** Kr*****". His name has 32 characters not including spaces. I have no idea how we can fit that along with city, state, caliber etc. I am also not going to charge standard rates for an engraving of this size and will have to move to a per character rate. I believe this will disproportionately effect persons of color and increase their cost to comply with this law.

Manufacturers/brokers will not be able to effectively fit the required information on all types of these "receivers" in a compliant fashion as there will just not be enough space on a good percentage of these items.

The cost to the customer is also going to go up substantially if people even decide to continue their hobby or be compliant.

While my company stands to gain financially from it, we stand against it not only on principle but also upon the basis of the unfeasible practicality of the requirements. I urge you to fully consider the cost implications, practicality, and the inequity of this bill and issue an unfavorable report.

Sincerely,

Andrew Starr Raymond
Co-Owner – Engage Armament LLC
andy@engagearmament.com

SB624 testimony.pdf

Uploaded by: Randol, Steven

Position: UNF

Testimony related to SB 624.

I oppose this bill for the following primary reason. The definition of an unfinished firearm receiver could literally be a block of aluminum, or other metal. Firearm manufacturer begin with a block of metal, and then create a receiver by machining, milling, etc. This bill's definition is flawed in the definition, and should receive an unfavorable report.

Sincerely

Steve Randol
Odenton, Maryland.

ASR Testimony.pdf

Uploaded by: Raymond, Andrew

Position: UNF



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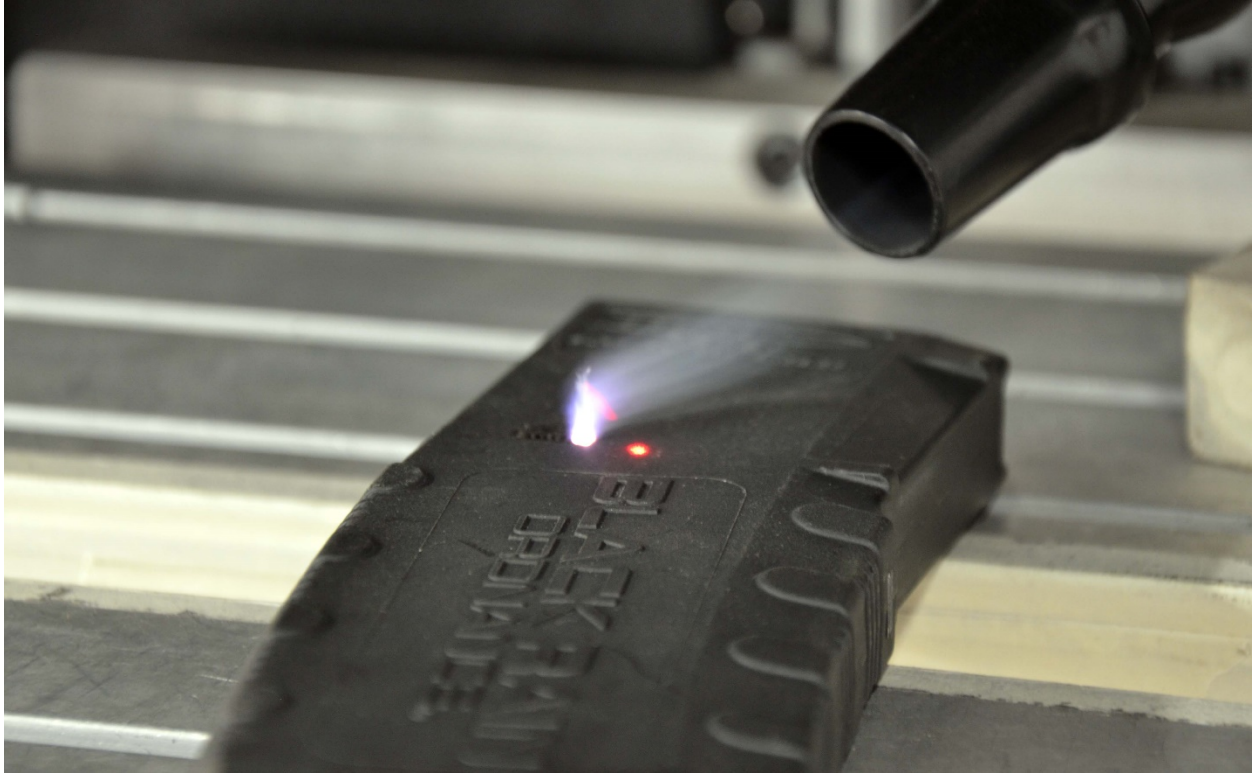
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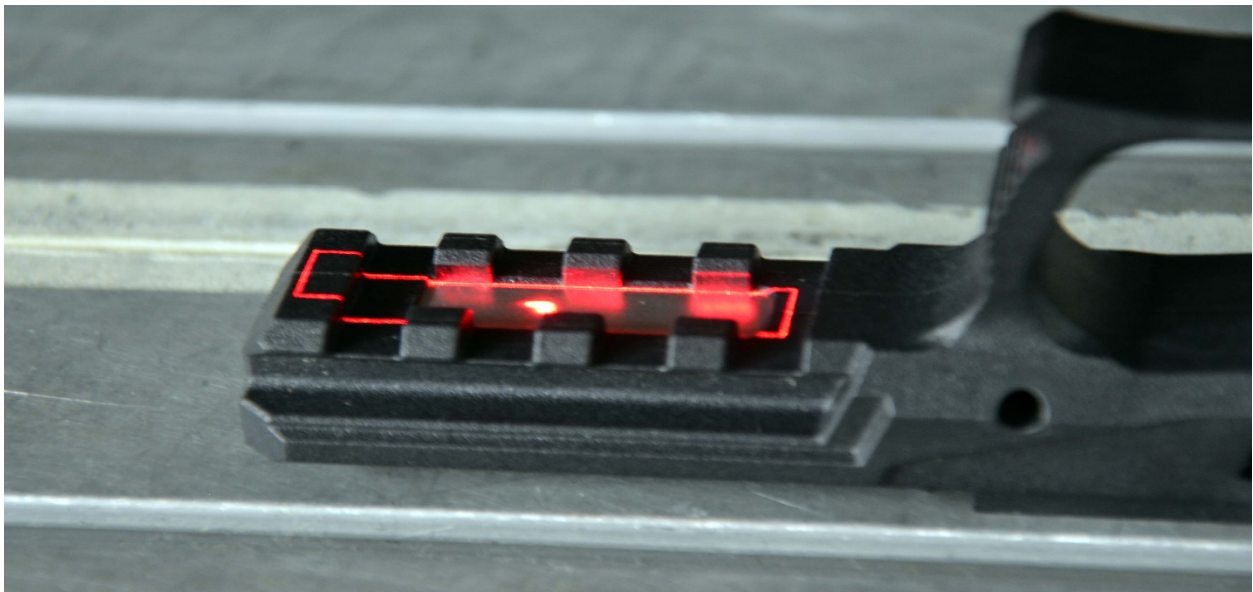


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Sincerely,

Andrew Starr Raymond
Co-Owner – Engage Armament LLC
andy@engagearmament.com

IN OPPOSITION TO SB 624.pdf

Uploaded by: Sharpless, Perry

Position: UNF

Roland Perry Neil Sharpless¹
SB624 – UNF
Judicial Proceedings Committee
2/17/2021

IN OPPOSITION TO SB 624

The hundreds of murderers who kill people in Baltimore and elsewhere in the state each year are just laughing at this bill. It places more difficult-to-follow restrictions on the law-abiding, and it does nothing to reduce the reasons why people kill other people.

This bill creates criminals where none existed before. It penalizes non-violent activity. It is absurd on its face. From the bill:

A PERSON MAY NOT POSSESS A FIREARM OR AN UNFINISHED FRAME OR RECEIVER THAT HAS NOT BEEN MARKED IN ACCORDANCE WITH SUBSECTIONS (A)AND (B)OF THIS SECTION.

And:

“UNFINISHED FRAME OR RECEIVER” INCLUDES A BLANK, CASTING, OR MACHINED BODY THAT REQUIRES MODIFICATION, SUCH AS MACHINING, DRILLING, FILING, OR MOLDING, TO BE USED AS PART OF A FUNCTIONAL FIREARM

Paraphrasing the words in the bill:

A PERSON MAY NOT POSSESS A [BLANK, CASTING, OR MACHINED BODY THAT REQUIRES MODIFICATION, SUCH AS MACHINING, DRILLING, FILING, OR MOLDING, TO BE USED AS PART OF A FUNCTIONAL FIREARM] THAT HAS NOT BEEN MARKED IN ACCORDANCE WITH SUBSECTIONS (A)AND (B)OF THIS SECTION.

Regardless of its intent, what the bill does is outlaw possession of every piece of metal that is ***able to be turned into*** a firearm unless the engraving requirements are met. Read the bill's words!

Any student of gun control quickly realizes the racist roots of gun control², of which this bill is but another example. Every existing and future homemade gun in the state is required to be engraved. To done effectively and to ensure that the depth and font height are correct all but requires the services of a professional engraver. That service costs money, and thus disproportionately affects people of low income. Richer people can bear the cost of hiring an

¹ Try fitting that name and the other engraving that would be required by this bill onto a firearm.

² The reader is encouraged to google the phrase “racist origins of gun control.”

engraver, but poorer people are less able to bear the cost burden. Like being able to pay bail, wealthy people get privileged treatment while low-income people suffer.

There other reasons that this bill lacks any consideration by the committee, but the two points that I have addressed are reason enough to vote unfavorably on SB 624.

Maryland lawmakers consistently seek to vilify gun owners instead of placing the blame where it belongs – on those people who use guns for criminal purposes. Maryland lawmakers consistently fail to take actions that result in meaningful reductions in crime. The Firearms Safety Act of 2013 included sweeping gun control legislation. Since its passage, murder rates in the state have done nothing but increase. Meanwhile, as Maryland lawmakers continue to emphasize gun control instead of crime control, almost a third of the states³ have enacted constitutional carry, meaning that their citizens are not required to obtain any type permit whatsoever to carry a gun. Maryland, with its emphasis on strict gun control, has the dubious distinction of having its largest city consistently lead the nation in per capita homicides. Gun control is not crime control.

While I encourage you stop pursuing gun control as a means of crime control, which I hope is your ultimate objective, I do encourage you to pursue efforts to reduce the reasons why people want to murder other people. The best analysis that I have ever seen on the matter is from The Guardian's article "Want to fix gun violence in America? Go local."⁴ Baltimore is prominently featured. From the article:

Four and a half million Americans live in areas of these cities with the highest numbers of gun homicide, which are marked by intense poverty, low levels of education, and racial segregation. Geographically, these neighborhood areas are small: a total of about 1,200 neighborhood census tracts, which, laid side by side, would fit into an area just 42 miles wide by 42 miles long.

The problem they face is devastating. Though these neighborhood areas contain just 1.5% of the country's population, they saw 26% of America's total gun homicides.

³ Alaska, Arizona, Arkansas, Idaho, Kansas, Kentucky, Maine, Mississippi, Missouri, New Hampshire, North Dakota, Oklahoma, South Dakota, Vermont, West Virginia, and Wyoming are all constitutional carry states. Additional states have constitutional carry bills before their legislature this year.

⁴ <https://www.theguardian.com/us-news/ng-interactive/2017/jan/09/special-report-fixing-gun-violence-in-america>

There's your "gun violence" problem – poverty, lack of education, segregation. Make meaningful progress in those areas and you can make actual progress on reducing our nation-leading homicide rate.

I urge an unfavorable report on SB 624.

Roland Perry Neil Sharpless
4998 Linganore View Dr.
Monrovia, MD 21770

SB624 2021 Opposition Testimony of Earle Sugar.pdf

Uploaded by: Sugar, Earle

Position: UNF

Testimony in Opposition to Senate Bill 0624 of 2021

Earle A. Sugar
Davidsonville, MD
Representing Myself

SB0624 is another bill that is a solution in search of a problem, and only creates legal liability, inconvenience, and cost for lawful firearms hobbyists. It is already a felony for a prohibited person to even possess a firearm, whether that firearm is manufactured by him or a licensed manufacturer. But beyond the general pointlessness of this bill, there are some specific issues that, if this bill cannot be put aside entirely, need to be changed to be equitable to lawful hobbyists. There are three key problems:

1. Post 2021, the limiting of engraving to Federally licensed Manufacturers and Importers, rather than all Federal Firearms licensees, such as FFL01 gunsmiths. From my understanding, BATFE considers engraving to be a gunsmithing, not manufacturing, service. So 5-704(A) needs to read:
“ ...MARKED BY A HOLDER OF A VALID FEDERAL FIREARMS LICENSE”
This also affects 5-704(C)(1) and (2), which would need to be modified with the same replacement language.
2. Section 5-704(B)(1) is superfluous because 5-704(B)(2) includes markings requirements of 18 USC 923(I) by reference that include, and in fact exceed, (1)’s requirements. 5-704(B)(1) should be deleted because there is potential for Federal and State law to come into conflict if Federal markings requirements change, making compliance by Maryland residents impossible.
3. Section 5-703(B) needs to have the following added “(3) A HOLDER OF A VALID FEDERAL FIREARMS” in order to provide a mechanism for an owner to lawfully transfer the firearm just as any other firearm would be lawfully transferred, IAW existing Federal and Maryland law.

Again, this entire bill is a solution should rejected, because it is already illegal for prohibited persons to possess firearms. I therefore request the Committee find this bill UNFAVORABLE, or, if it must be passed, at least make the recommended modifications listed above to reduce the harmful impact on lawful firearms hobbyists.